

## Re: Fw: Meeting with Administrator Jackson

Bob Sussman to: David McIntosh

09/13/2010 05:58 PM

Daniel Gerasimowicz, Georgia Bednar, Gina McCarthy, Heidi Ellis, Cc: Judith Enck, Nancy Beck, scheduling, Seth Oster, Mathy Stanislaus, Lisa Feldt, Bob Perciasepe

I agree. We should have the meeting. I talked to Boggs today. The focus of this meeting is really on the Hudson River. Climate is secondary. Immelt is also meeting with Carol browner on the 23rd, where his focus will likewise be on the Hudson. Boggs tells me that GE will take a very tough position on committing to Phase 2 without a better definition of the remedy and related costs.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator US Environmental Protection Agency

David McIntosh Yes, she needs to accept this meeting request. 09/13/2010 04:56:49 PM

From: David McIntosh/DC/USEPA/US
To: Heidi Ellis/DC/USEPA/US@EPA

Cc: Bob Sussman/DC/USEPA/US@EPA, Daniel Gerasimowicz/DC/USEPA/US@EPA, Don

Zinger/DC/USEPA/US@EPA, Georgia Bednar/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Nancy Beck/R2/USEPA/US@EPA, scheduling@EPA, Seth Oster/DC/USEPA/US@EPA

Date: 09/13/2010 04:56 PM

Subject: Re: Fw: Meeting with Administrator Jackson

## Yes, she needs to accept this meeting request.

Heidi Ellis	looping in Seth and David	09/13/2010 04:52:13 PM
scheduling	Hi Bob, Gina and Judith, Can you please provide	09/13/2010 04:44:57 PM



Re: Fw: Meeting with Administrator Jackson

Bob Sussman to: Bob Perciasepe

09/13/2010 07:18 PM

we should talk. Boggs made it crystal clear that the company will walk away from the cleanup if they cannot defer a decision for another year. That's probably what the CEO will tell LPJ.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator US Environmental Protection Agency

Bob Perciasepe Bob: Can we talk? I have a feeling we are headin... 09/13/2010 07:15:51 PM

From: Bob Perciasepe/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA

Date: 09/13/2010 07:15 PM

Subject: Re: Fw: Meeting with Administrator Jackson

Bob:

Can we talk? (b)(5) - deliberative process

Bob Perciasepe Deputy Administrator

(o) +1 202 564 4711 (c) +1 202 368 8193

Judith Enck Region 2 would be happy to provide briefing mat... 09/13/2010 06:19:04 PM

Bob Sussman

---- Original Message ----- From: Bob Sussman

**Sent:** 09/13/2010 05:58 PM EDT

To: David McIntosh

Cc: Daniel Gerasimowicz; Georgia Bednar; Gina McCarthy; Heidi Ellis;
Judith Enck; Nancy Beck; scheduling; Seth Oster; Mathy Stanislaus; Lisa Feldt;
Bob Perciasepe

Subject: Re: Fw: Meeting with Administrator Jackson

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scheduling	Hi Bob, Gina and Judith, Can you please provide	09/13/2010 04·44·57 PM



Re: Fw: Meeting with Administrator Jackson

Bob Sussman to: Bob Perciasepe

09/13/2010 07:48 PM

Onbce the CEO says it, it's no longer bluster.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator US Environmental Protection Agency

Bob Perciasepe Heard the same from Anne Klee and Elliot Laws,... 09/13/2010 07:36:39 PM

From: Bob Perciasepe/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA

Date: 09/13/2010 07:36 PM

Subject: Re: Fw: Meeting with Administrator Jackson

Heard the same from Anne Klee and Elliot Laws, some is a little bluster, but if we can't find some common adaptive management approach we may be facing that.

Bob Perciasepe Deputy Administrator

(o) +1 202 564 4711 (c) +1 202 368 8193

Bob Sussman	we should talk. Boggs made it crystal clear that t	09/13/2010 07:18:10 PM
Bob Perciasepe	Bob: Can we talk? I have a feeling we are headin	09/13/2010 07:15:51 PM
Judith Enck	Region 2 would be happy to provide briefing mat	09/13/2010 06:19:04 PM
Bob Sussman		

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To: David McIntosh

Cc: Daniel Gerasimowicz; Georgia Bednar; Gina McCarthy; Heidi Ellis;

Judith Enck; Nancy Beck; scheduling; Seth Oster; Mathy Stanislaus; Lisa Feldt;

Bob Perciasepe

Subject: Re: Fw: Meeting with Administrator Jackson

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scheduling	Hi Bob, Gina and Judith, Can you please provide	09/13/2010 04:44:57 PM

## Re: Meeting with Mayor Bloomberg on Friday, September 17th @ 9:15 AM.

Bob Sussman to: Seth Oster, Betsaida Alcantara

09/14/2010 10:50 AM

Cc: Heidi Ellis, Adora Andy

Yes. Pcbs should be covered. It may be his biggest issue. Seth Oster

---- Original Message -----

From: Seth Oster

Sent: 09/14/2010 10:48 AM EDT To: Betsaida Alcantara; Bob Sussman

Cc: Heidi Ellis; Adora Andy

Subject: Fw: Meeting with Mayor Bloomberg on Friday, September 17th @ 9:15

AM.

Bob/Betsaida -- please see below. Should we include some basic background on the hydraulic fracturing issue (both about the hearings and the voluntary information request) and on the Hudson dredging?

Seth

Seth Oster Associate Administrator Office of External Affairs and Environmental Education Environmental Protection Agency (202) 564-1918 oster.seth@epa.gov

---- Forwarded by Seth Oster/DC/USEPA/US on 09/14/2010 10:47 AM -----

From: Heidi Ellis/DC/USEPA/US

To: Sarah Pallone/DC/USEPA/US@EPA, Lisa Plevin/R2/USEPA/US@EPA, Bonnie

Bellow/R2/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA

Cc: Seth Oster/DC/USEPA/US@EPA, Daniel Gerasimowicz/DC/USEPA/US@EPA, Veronica

Burley/DC/USEPA/US@EPA

Date: 09/14/2010 10:29 AM

Subject: Meeting with Mayor Bloomberg on Friday, September 17th @ 9:15 AM.

Hi--

The Administrator is doing a meet and greet with the Mayor at City Hall on Friday. It will be a 1:1 with no staff. She will need a list of hot city issues for her briefing book.

R2- Can you please provide these materials by COB tomorrow?

Sarah/Seth- Please feel free to send over any additional info from you respective shops.

Thank you.

Heidi M. Ellis
Director of Scheduling
Office of the Administrator | US EPA

Phone: 202-564-3204 Cell: 202-355-5212 Fax: 202-501-1480

Re: materials for 9/17 Hudson River briefing

Bob Sussman to: Lisa Feldt 09/15/2010 04:49 PM

Please make sure I get a copy.

Lisa Feldt

---- Original Message -----

From: Lisa Feldt

**Sent:** 09/15/2010 03:52 PM EDT

To: Heidi Ellis; Veronica Burley; Betsaida Alcantara; Mathy Stanislaus;

Bob Sussman

Cc: Diane Thompson; Stephanie Washington; Bob Perciasepe; Teri

Porterfield; Donald Maddox; Georgia Bednar; Nelida Torres; Shawna Bergman;

Becky Brooks; Ellyn Fine

Subject: Re: materials for 9/17 Hudson River briefing

Heidi, per my discussion with Bob S yesterday we are also preparing some materials for Administrator which we will have up COB today. Shawna, these will be coming from Betsy Southerland. Lisa F

Heidi Ellis

---- Original Message -----

From: Heidi Ellis

**Sent:** 09/15/2010 03:32 PM EDT

To: Veronica Burley; Betsaida Alcantara; Mathy Stanislaus; Lisa Feldt; Bob

Sussman

Cc: Diane Thompson; Stephanie Washington; Bob Perciasepe; Teri

Porterfield; Donald Maddox; Georgia Bednar; Nelida Torres **Subject:** Fw: materials for 9/17 Hudson River briefing

---- Forwarded by Heidi Ellis/DC/USEPA/US on 09/15/2010 03:31 PM -----

From: Lisa Plevin/R2/USEPA/US
To: Heidi Ellis/DC/USEPA/US@EPA

Date: 09/15/2010 03:29 PM

Subject: materials for 9/17 Hudson River briefing

[attachment "LPJ Hudson briefing 9-17.doc" deleted by Lisa Feldt/DC/USEPA/US]

Lisa J. Plevin Chief of Staff US EPA Region 2 (212) 637-5000



# Fw: materials for 9/17 Hudson River briefing

Bob Sussman to: Heidi Ellis, Daniel Gerasimowicz

09/15/2010 07:33 PM

Can I get a copy of these materials in the am?

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator **US Environmental Protection Agency** 

---- Forwarded by Bob Sussman/DC/USEPA/US on 09/15/2010 07:32 PM -----

From: Lisa Feldt/DC/USEPA/US

To: Heidi Ellis/DC/USEPA/US@EPA, Veronica Burley/DC/USEPA/US@EPA, Betsaida

Alcantara/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Bob

Sussman/DC/USEPA/US@EPA

Diane Thompson/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Bob Cc:

> Perciasepe/DC/USEPA/US@EPA, Teri Porterfield/RTP/USEPA/US@EPA, Donald Maddox/DC/USEPA/US@EPA, Georgia Bednar/DC/USEPA/US@EPA, Nelida

Torres/DC/USEPA/US@EPA, "Shawna Bergman" <Bergman.Shawna@epamail.epa.gov>, "Becky

Brooks" <Brooks.Becky@epamail.epa.gov>, "Ellyn Fine" <Fine.Ellyn@epamail.epa.gov>

Date: 09/15/2010 03:53 PM

Subject: Re: materials for 9/17 Hudson River briefing

Heidi, per my discussion with Bob S yesterday we are also preparing some materials for Administrator which we will have up COB today. Shawna, these will be coming from Betsy Southerland. Lisa F Heidi Ellis

---- Original Message -----From: Heidi Ellis

**Sent:** 09/15/2010 03:32 PM EDT

To: Veronica Burley; Betsaida Alcantara; Mathy Stanislaus; Lisa Feldt; Bob

Cc: Diane Thompson; Stephanie Washington; Bob Perciasepe; Teri

Porterfield; Donald Maddox; Georgia Bednar; Nelida Torres Subject: Fw: materials for 9/17 Hudson River briefing

----- Forwarded by Heidi Ellis/DC/USEPA/US on 09/15/2010 03:31 PM -----

From: Lisa Plevin/R2/USEPA/US Heidi Ellis/DC/USEPA/US@EPA To:

09/15/2010 03:29 PM Date:

Subject: materials for 9/17 Hudson River briefing

[attachment "LPJ Hudson briefing 9-17.doc" deleted by Lisa Feldt/DC/USEPA/US]

Lisa J. Plevin Chief of Staff US EPA Region 2 (212) 637-5000



Re: Thank you Bob Sussman to: Daniel Magraw

09/20/2010 08:30 AM

Good luck, Dan. Look forward to discussing next steps.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator **US Environmental Protection Agency** 

**Daniel Magraw** 

September 19, 2010 Dear All,

09/19/2010 10:41:39 PM

From: To:

Daniel Magraw <dmagraw@ciel.org>

Karin Cicelski <kcicelski@ciel.org>, Sofia Plagakis <splagakis@ciel.org>, Melissa Hippler <mhippler@ciel.org>, Cameron Aishton <caishton@ciel.org>, David Azoulay <dazoulay@ciel.org>, Jeff Wanha <jwanha@ciel.org>, Daryl Ditz <dditz@ciel.org>, Glenn Wiser <gwiser@ciel.org>, Baskut Tuncak <a href="mailto:btuncak@gmail.com">btuncak@gmail.com</a>, Kristen Hite <a href="mailto:khite@ciel.org">khite@ciel.org</a>, Johanna Borcic <jborcic@ciel.org>, Daniel Magraw <dmagraw@ciel.org>, Stephen Porter <sporter@ciel.org>, Wenjie Chen <wchen@ciel.org>, Kristen Genovese <kgenovese@ciel.org>, Niranjali Amerasinghe <namerasinghe@ciel.org>, Carroll Muffett <wcmuffett@yahoo.com>, Marcos Orellana Anderson <fanderson@mckennalong.com>, Delphine Djiraibe <publicinterest.lc@intnet.td>, Ken Berlin <Kberlin@skadden.com>, Dianne Dillonridgley <ddrwater27@aol.com>, Delphine Djiraibe <djiraibe@intnet.td>, Delphine Djiraibe <ddjiraibe@hotmail.com>, Jack Vanderryn <jackvanderryn@msn.com>, Donald Kaniaru <wkaniaru@kaniaruadvocates.co.ke>, Barbara Shaw <barbarashaw@mac.com>, Diana Ponce-Nava <dponcenava@gmail.com>, Richard Tompkins <RTompkins@firstchesapeakegroup.com>, Terry Young <terry\_young@mindspring.com>, Weiss <weiss@law.georgetown.edu>, Peter Eigen <pe\_ti@transparency.org>, John Adams <jadams@nrdc.org>, Charles Di Leva <cdileva@worldbank.org>, Malgosia Fitzmaurice <m.fitzmaurice@gmul.ac.uk>, Lal Kurukulasuriya <Lal.Kurukulasuriya@unep.org>, Lynn Goldman Igoldman@jhsph.edu>, Claudio Grossman <grossman@wcl.american.edu>, Paul Hagen <phagen@bdlaw.com>, David Hales <dhales@coa.edu>, Wangari Maathai <gbm@wananchi.com>, Sebia Hawkins <sahawkins1@earthlink.net>, Jacob Werksman <JWERKSMAN@wri.org>, Tatiana Zaharchenko <tzaharchenko@yahoo.com>, "R. Pemmaraju Sreenivasa Rao" < Pemmarajuin@yahoo.com >, Jonathan Lash < jlash@wri.org >, Alberto Szekely <aszekely@compuserve.com.mx>, Stephen McCaffrey <smccaffrey@pacific.edu>, Jennifer Haverkamp <iphayerkamp@edf.org>, "Peter H. Sand" <peterhsand@t-online.de>, "Antonio A. Oposa, Jr." <a.oposa@gmail.com>, Ambler Moss <ahmoss@miami.edu>, Geoffrey Palmer <gpalmer@lawcom.govt.nz>, James Gustave Speth <gus.speth@yale.edu>, Anne Kapuscinski <Anne.R.Kapuscinski@Dartmouth.edu>, Perry Wallace <wallace@wcl.american.edu>, Jon Van Dyke <jvandyke@hawaii.edu>, Nawzat Ali <nawzat@hotmail.com>, Michael Allen <a href="mailto:</a>, Dinah Bear <bear6@verizon.net">bear6@verizon.net</a>, Brent Blackwelder <br/> <bblackwelder@foe.org>, Nathalie Bernasconi <nbernasconi@iisd.org>, Chris Stone

<cstone@law.usc.edu>, "Frampton Jr, George" <gframpton@cov.com>, "Fuller, Pep" <pepandwhit@aol.com>, Ignacia Moreno <imoreno@aol.com>, Jennifer Federico <jenniferfederico@ipen.org>, Cynthia Price <cprice39@gmail.com>, Lauren Baker

<a href="mailto:</a> <a href="mailto:laurenmiyoko@yahoo.com">, "Shabalala Dalindyebo (PR)"</a>

<dalindyebo.shabalala@maastrichtuniversity.nl>, Nathalie Bernasconi <nbernasconi@iisd.org>,

Magali.Stitelmann@ville-ge.ch, Sebia Hawkins <shawkins@nmelc.org>, Kim Gilliam

<jmsgilliam@aol.com> 09/19/2010 10:41 PM

Subject: Thank you

September 19, 2010

Dear All,

Date:

Today is my last day as CIEL's President and CEO, and I want to thank you all for your hard, first-rate work during the past 8 <sup>3</sup>/<sub>4</sub> years in making CIEL the extraordinary success it is.

During that time, CIEL has had many significant accomplishments. Among other achievements, we created the Louis B. Sohn Fellowship in Human Rights and Environment, initiated the International Environmental Law Award and the Fred Andersen Climate Change Award, and inaugurated the annual joint CIEL-Washington College of Law Conference on Developments in International Environmental Law. We also instituted a review process for external policy statements, strengthened peer review generally, created the CIEL Alumni club, began celebrating CIEL's five-year anniversaries (celebrating our 15<sup>th</sup> and 20<sup>th</sup>), resumed publishing annual reports, developed a governance structure second to none among environmental NGOs, formalized and strengthened our relationship with American University Washington College of Law, strengthened our relationship with UNEP, diversified and strengthened our Board of Trustees, and built a Board of Advisors of world-renowned experts on issues central to CIEL's work.

Substantively, we greatly expanded our Chemicals Program, did ground-breaking work on intellectual property and on emerging technologies (human cloning, genetically engineered organisms, and now nanotechnologies), started the Democratization of International Dispute Settlement (DIDS) Project, and greatly strengthened our Human Rights and Environment Program, among other things. We also continued to do ground-breaking, highly effective work in our Climate Change, International Financial Institutions, Law and Communities, and Trade and Sustainable Development Programs; and we had a vibrant, multinational Intern Program through that entire period (we have now trained more than 350 interns and law fellows from at least 53 countries). CIEL has never been more influential, had more impact, or been more highly respected for the quality of our work.

Thank you again for helping achieve this record. I look forward to working with all of you in making Carroll Muffett's transition as seamless as possible and in meeting the strategic planning, fund raising, and other challenges that we continue to face in our efforts to protect our planet and achieve a just society.

Best regards,

Dan

\_\_\_

Daniel B Magraw Jr.
President
Center for International Environmental Law (CIEL)
1350 Connecticut Avenue NW, Suite 1100
Washington, DC 20036
202-742-5801 Direct Line
202-785-8700 CIEL Main Line
202-785-8701 Fax
dmagraw@ciel.org
www.ciel.org



Re: Marcellus drilling 
Bob Sussman to: Judith Enck
Cc: beck.nancy, sussman.bob, Georgia Bednar

09/20/2010 06:33 PM

Will this work, georgia?

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator US Environmental Protection Agency

Judith Enck Hi bob. I will be in hq this thursday for the ge pcb... 09/20/2010 05:07:59 PM

From: Judith Enck/R2/USEPA/US

To: sussman.bob@epa.gov, beck.nancy@epa.gov

Date: 09/20/2010 05:07 PM Subject: Marcellus drilling

Hi bob. I will be in hq this thursday for the ge pcb mtg. Are u available immediately afterwards to have a general discussion about marcellus drilling? Thanks Sent by EPA Wireless E-Mail Services



# **GE Follow-up**Bob Sussman to: Richard Windsor, Bob Perciasepe

09/23/2010 02:38 PM

Any thoughts on the HQ role in following up with GE? Judith tells me that a working meeting with the company (including Ann Klee) is scheduled for tomorrow in R2. (b)(5) - deliberative process



Re: Bob Sussman to: Laws, Elliott Cc: Georgia Bednar

09/23/2010 02:48 PM

I'm running out to a meeting but maybe we can find a time later.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator US Environmental Protection Agency

"Laws, Elliott" Hi Bob -- I was just wondering how you thought t... 09/23/2010 02:41:04 PM

From: "Laws, Elliott" < ELaws@crowell.com>
To: Bob Sussman/DC/USEPA/US@EPA

Date: 09/23/2010 02:41 PM

Subject:

Hi Bob -- I was just wondering how you thought the GE meeting went? I'm not slated to speak with Ann until 6:00 this evening. I'm open this afternoon if you'd like to talk some or have some ideas. My numbers are below.

Thnx,

**Elliott** 

## Elliott P. Laws

Crowell & Moring LLP

1001 Pennsylvania, Avenue, NW | Washington, DC 20004 P - 202-624-2798 | F - 202-628-5116 | C - 202-841-5300

elaws@crowell.com | www.crowell.com

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Re: GE Follow-up ■
Bob Sussman to: Richard Windsor

Cc: Bob Perciasepe

09/23/2010 05:54 PM

Elliott Laws called me to get our sense of the mtg. I think I steered him in the right direction -- great willingness by EPA to work with the company on the technical issues but serious misgivings about a one-year delay in the opt-in decision. Elliott will get back in touch after caucusing with the Company. They are anxious to work with HQ.

Bob -- let's put our heads together on next steps.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator US Environmental Protection Agency

Richard Windsor I agree we have to be in there. I committed to per... 09/23/2010 04:30:05 PM

From: Richard Windsor/DC/USEPA/US

To: Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA

Date: 09/23/2010 04:30 PM Subject: Re: GE Follow-up

I agree we have to be in there. I committed to personal gollow up with the CEO.

### **Bob Sussman**

---- Original Message ----From: Bob Sussman

**Sent:** 09/23/2010 02:38 PM EDT

To: Richard Windsor; Bob Perciasepe

Subject: GE Follow-up

Any thoughts on the HQ role in following up with GE? Judith tells me that a working meeting with the company (including Ann Klee) is scheduled for tomorrow in R2. (b)(5) - deliberative process

What do you think?



# Follow-up on GE

Bob Sussman to: Mathy Stanislaus

Cc: Lisa Feldt, Georgia Bednar, Nelida Torres, Bob Perciasepe

09/24/2010 10:12 AM

mathy -- following up on my voice mail, I'd like to see if we can organize a meeting for Monday (only with HQ) to talk through next steps on GE. This would be with you, lisa, Jim Woolford and others as appropriate but not with the Region at this point. OK?



Re: Follow-up on GE

Bob Sussman to: Mathy Stanislaus

Cc: Bob Perciasepe, Georgia Bednar, Lisa Feldt, Nelida Torres

09/24/2010 12:33 PM

Sounds good. Then we'll meet on Monday? I'd like to have a concrete discussion with Jim and other experts abt how we will proceed. As i mentioned in my v-mail, I talked to Elliott Laws and probably will hear from him again.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator US Environmental Protection Agency

Mathy Stanislaus Yes - I'm speaking to Judith @ 1:30 today to reinf... 09/24/2010 11:43:24 AM

From: Mathy Stanislaus/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA

Cc: Lisa Feldt/DC/USEPA/US@EPA, Georgia Bednar/DC/USEPA/US@EPA, Nelida

Torres/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA

Date: 09/24/2010 11:43 AM Subject: Re: Follow-up on GE

Yes - I'm speaking to Judith @ 1:30 today to reinforce need for HQ to actively be involved in developing the next adaptive management structure. Bob P is aware of the call

#### **Bob Sussman**

---- Original Message ----- From: Bob Sussman

**Sent:** 09/24/2010 10:12 AM EDT

To: Mathy Stanislaus

Cc: Lisa Feldt; Georgia Bednar; Nelida Torres; Bob Perciasepe

Subject: Follow-up on GE

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Re: Call with Judith re:GE Bob Sussman to: Mathy Stanislaus Cc: Bob Perciasepe, Richard Windsor

09/24/2010 02:15 PM

She also told me she was having this meeting. I think we need to quickly decide at HQ what we think the right structure is and then get the Region on board. Hopefully we'll make progress in that direction at our Monday HQ mtg.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator US Environmental Protection Agency

Mathy Stanislaus I had a call with Judith to touch base on ensuring... 09/24/2010 01:55:56 PM

From: Mathy Stanislaus/DC/USEPA/US

To: Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Bob

Perciasepe/DC/USEPA/US@EPA

Date: 09/24/2010 01:55 PM Subject: Call with Judith re:GE

I had a call with Judith to touch base on ensuring that HQ is closely involved in the development of the adaptive management structure. I was also surprised to learn that she and Regional staff was meeting with GE (Anne Klee and others) today to discuss the adaptive management structure. I reinforced the need for HQ and the Region to first agree on the specifics. She agreed that Region and HQ's Superfund folks would work collectively on an adaptive management structure ASAP. I will have another check in with her in two weeks.

Mathy Stanislaus USEPA Assistant Administrator Office of Solid Waste & Emergency Response



# Fw: Rescheduled: Meeting on General Electric Hudson River (Dec 13 10:00 AM EST in Administrator's Office )

Bob Sussman to: Ryan Robison, Heidi Ellis

11/29/2010 02:18 PM

Cc: Georgia Bednar

Guys -- this won't work -- it's too late for the decisions that need to be made. We really need to shoot for a week from today.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 11/29/2010 02:17 PM -----



# Rescheduled: Meeting on General Electric Hudson River

Mon 12/13/2010 10:00 AM - 10:40

AM

Attendance is required for Bob Sussman

Chair: scheduling

Sent By: Ryan Robison/DC/USEPA/US

Location: Administrator's Office

This reschedule notice has been applied to the meeting.

Bob Sussman/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, James

Woolford/DC/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Lisa

Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA

Optional: Georgia Bednar/DC/USEPA/US@EPA, Linda Huffman/DC/USEPA/US@EPA, Nancy

Beck/R2/USEPA/US@EPA, Nelida Torres/DC/USEPA/US@EPA

## Description

Required:

Region 2, please use the conference line to call into this meeting. Thanks.

Conference Number: 1(b) (6)
Conference Code: (b) (6)



## Re: FYI: NRDC Blog on Hudson River Cleanup

Bob Sussman to: Walter Mugdan

11/29/2010 02:38 PM

Benny Conetta, Elliott Gilberg, Enck.Judith, fischer.douglas, Cc: Garbarini.Doug, James Woolford, king.david, Klawinski.Gary, Lisa Feldt, Pavlou.George, schaaf.eric, simon.paul,

#### Thanks Walter.

I think we need some guidance on how to characterize our discussions with GE if pressed at the meeting. I do not think we can refuse to comment. I would prefer not to describe GE's proposals to us but feel we should be forthright about the issues under discussion. What do others think?

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Walter Mugdan You may wish to read this in advance of our mee... 11/29/2010 02:14:31 PM

From: Walter Mugdan/R2/USEPA/US

To: Sussman.Bob@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Southerland.Elizabeth@epamail.epa.gov,

wmichaelmccabe@earthlink.net, Elliott Gilberg/DC/USEPA/US@EPA,

Enck.Judith@epamail.epa.gov, Pavlou.George@epa.gov

Cc: schaaf.eric@epa.gov, simon.paul@epa.gov, Garbarini.Doug@epamail.epa.gov,

king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, fischer.douglas@epa.gov, Benny

Conetta/R2/USEPA/US@EPA

Date: 11/29/2010 02:14 PM

Subject: FYI: NRDC Blog on Hudson River Cleanup

You may wish to read this in advance of our meeting with the NGOs tomorrow:

----- Forwarded by Walter Mugdan/R2/USEPA/US on 11/29/2010 02:12 PM -----

From: "Levine, Larry" < llevine@nrdc.org>
To: "Levine, Larry" < llevine@nrdc.org>

Date: 11/29/2010 01:35 PM

Subject: Blog post: Will Sound Science -- or Corporate Interests -- Rule the Day on Hudson PCBs Cleanup?

I thought you might be interested in this new post:

http://switchboard.nrdc.org/blogs/llevine/will sound science -- or corpo.html



## Re: FYI: NRDC Blog on Hudson River Cleanup

Bob Sussman to: Walter Mugdan

Benny Conetta, Elliott Gilberg, Enck. Judith, fischer. douglas, Garbarini. Doug, James Woolford, king. david, Klawinski. Gary, Lisa Feldt, Pavlou. George, schaaf.eric, simon.paul,

11/29/2010 03:29 PM

Thanks Walter.

## (b)(5) - deliberative process

Btw, I just got a call from Brackett. He noted that Immelt is again calling the Administrator (in fact he has already placed the call) and will repeat that GE is at or close to its "bottom line."

## (b)(5) - deliberative process

Finally, Brackett reported that GE agrees to make an opt-in decision by January 10 if we transmit our 15b package on December 13. Walter, do you want to confirm in writing?

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Walter Mugdan When last we met with the NOGs on November... 11/29/2010 03:10:59 PM

From: Walter Mugdan/R2/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA

Cc: Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA,

Enck.Judith@epamail.epa.gov, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov,

Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov,

simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net

Date: 11/29/2010 03:10 PM

Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

When last we met with the NOGs on November 2 I explained the basic framework of how we expect to organize Phase 2. I explained that some capping is nearly inevitable, but that our intention is to limit the area that can be capped. I explained what was at that time our mental construct of three "buckets" -- (1) beyond GE's control, (2) "near miss" and (3) "far miss". (b)(5) - deliberative process

Also, today we sent to GE a document describing our current position on Resuspension and Load. A copy of that document is attached for your information, and I will arrange that it be shared with the NGOs immediately.

The NGOs are strongly focussed on limiting the amount of area to be capped. They have also advocated for a "two pass" approach, rather than the "one pass approach" recommended by the Peer Review Panel. (b)(5) - deliberative process

At the November 22 meeting, the GE folks said

they expect they will need to do a 2nd pass fairly often. At a conference call at 4:30 this afternoon we will hear more details from GE about this notion of a frequent 2nd pass.

[attachment "Resuspension Standard.11 27.docx" deleted by Bob Sussman/DC/USEPA/US]

Bob Sussman	Bob Sussman Thanks Walter. I think we need some guidance o	
Walter Mugdan	You may wish to read this in advance of our mee	11/29/2010 02:14:31 PM



# Re: FYI: NRDC Blog on Hudson River Cleanup 🗎

Bob Sussman to: Judith Enck

Benny Conetta, Elliott Gilberg, fischer.douglas, Garbarini.Doug,
James Woolford, king.david, Klawinski.Gary, Lisa Feldt,
Pavlou.George, schaaf.eric, simon.paul, Southerland.Elizabeth,

11/29/2010 03:43 PM

Sounds good but after his introduction, a short summary of where we stand with GE would be helpful. I can do that, with an assist from the region.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Judith Enck I agree with walter. further, we should think abou... 11/29/2010 03:33:36 PM

From: Judith Enck/R2/USEPA/US

To: Walter Mugdan/R2/USEPA/US@EPA

Cc: Bob Sussman/DC/USEPA/US@EPA, Benny Conetta/R2/USEPA/US@EPA, Elliott

Gilberg/DC/USEPA/US@EPA, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov,

Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov,

simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net

Date: 11/29/2010 03:33 PM

Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

#### I agree with walter.

further, we should think about how to structure the meeting so it is the most productive it can be in one hour. I know for the meeting with New York state govt and the trustees they plan to have dec exec deputy commissioner stu gruskin open up the meeting to frame the state's views on the project for about ten minutes. Perhaps this could be followed by soliciting input on the following:

Their views on how Phase 1 went and lessons learned from phase 1.

How they view the role of capping in Phase 2.

Their views on technical issues such as DOC, number of passes, etc.

If time, their views on the Peer review report.

The people coming to both meetings are well versed on the details of the project. Since time is short and it could all be eaten up with us reporting the latest developments to them (that are not confidential), I think the dynamic should be us asking their views on the pressing issues related to the project.

#### logisitcs:

the 1pm meeting with the state is in ariel rios north but we don't know the room yet. right?

the 3:30 meeting with the NGO's is in ariel rios north room 3309

Judith Enck Regional Administrator U.S. Environmental Protection Agency 290 Broadway New York, N.Y. 10007-1866 (212) 637-5000

Walter Mugdan	When last we met with the NOGs on November	11/29/2010 03:10:57 PM
Bob Sussman	Thanks Walter. I think we need some guidance o	11/29/2010 02:38:15 PM



Fw: Hudson: Wall Street Journal request

Bob Sussman to: Seth Oster, Brendan Gilfillan, Adora Andy

11/30/2010 07:29 PM

can you get involved in this? it's sensitive

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397
US Environmental Protection Agency

---- Forwarded by Bob Sussman/DC/USEPA/US on 11/30/2010 07:27 PM -----

From: Judith Enck/R2/USEPA/US

To: "Bob Sussman" <Sussman.Bob@epamail.epa.gov>

Date: 11/30/2010 06:14 PM

Subject: Fw: Hudson: Wall Street Journal request

Fyi.

Sent by EPA Wireless E-Mail Services Bonnie Bellow

---- Original Message -----

From: Bonnie Bellow
Sent: 11/30/2010 05:02 PM EST

To: Walter Mugdan; Eric Schaaf; Judith Enck Cc: Lisa Plevin; Mary Mears; Dave Kluesner

Subject: Fw: Hudson: Wall Street Journal request

As you will see from the note below, the Wall Street Journal has contacted David with questions about meetings with GE on Hudson. He would like a reply by Friday at noon. Let's discuss the easiest way to access this information. We will make the press office aware of the request. Let's touch base tomorrow.

Bonnie Bellow Director, Public Affairs Division U.S. Environmental Protection Agency Region 2 212-637-3660 office 646-369-0062 cell

---- Forwarded by Bonnie Bellow/R2/USEPA/US on 11/30/2010 04:59 PM -----

From: Dave Kluesner/R2/USEPA/US

To: Bonnie Bellow/R2/USEPA/US@EPA, Mary Mears/R2/USEPA/US@EPA
Cc: Peter Brandt/R2/USEPA/US@EPA, Michael McGowan/R2/USEPA/US@EPA

Date: 11/30/2010 11:35 AM

Subject: Hudson: Wall Street Journal request

Paul Glader called a few minutes ago to check in on the status of EPA decisions on Phase 2. During the call, he requested info on meetings. Please advise.

David Kluesner - Public Affairs U.S. EPA - Manhattan Office 290 Broadway, 26th Floor / NY, NY 10007 212.637.3653 / http://www.epa.gov/region2

----- Forwarded by Dave Kluesner/R2/USEPA/US on 11/30/2010 11:33 AM -----



"Glader, Paul" <Paul.Glader@wsj.com> 11/30/2010 11:12 AM

To Dave Kluesner/R2/USEPA/US@EPA

СС

Subject Request

Hi Dave,

Good to speak with you. Here is the information I am requesting from the EPA:

- 1. A list of in-person meetings between representatives of GE and the EPA during 2010 to discuss any aspect of the Hudson River Clean up efforts.
- 2. I'd like details specified of where the meeting took place, who attended from both parties and what day each meeting took place.
- 3. I would also like to see ay other details about the topic or short minutes of the meeting.

Regards, Paul

Paul Glader Reporter, *The Wall Street Journal* 212-416-4917 (w) 412-877-8640 (m) paul.glader@wsj.com http://twitter.com/PaulGlader



Re: GE meeting Bob Sussman to: Heidi Ellis
Cc: "Dan Gerasimowicz", "Ryan Robison"

12/01/2010 08:37 AM

This is a meeting that needs to occur very early next week but after we brief LPJ on Monday on the GE cleanup. The CEOs of a number of New York environmental organizations have written to the Admin requesting this meeting. This is the group we want to meet with. The staff contact to arrange the meeting is Larry Levine in the NYC office of NRDC.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Heidi Ellis Hey Guys- Can you please follow up with Bob ab... 12/01/2010 08:16:09 AM

From: Heidi Ellis/DC/USEPA/US

To: "Dan Gerasimowicz" <gerasimowicz.daniel@epa.gov>, "Ryan Robison"

<Robison.Ryan@epamail.epa.gov>

Cc: "Bob Sussman" <Sussman.Bob@epamail.epa.gov>

Date: 12/01/2010 08:16 AM

Subject: GE meeting

Hey Guys-

Can you please follow up with Bob about setting up this meeting?

Thanks!



# Could you give me a call to talk abt mtg between Immelt and Lisa ? Bob Sussman to: brackett.denniston 12/0

12/01/2010 10:29 AM

Re: GE meeting

Bob Sussman to: Daniel Gerasimowicz

Cc: Ryan Robison

Much better.

**Daniel Gerasimowicz** 

---- Original Message -----

From: Daniel Gerasimowicz
Sent: 12/01/2010 11:05 AM EST

To: Bob Sussman
Cc: Ryan Robison

Subject: Re: GE meeting

Hold that thought - NRDC just called back to say that they could possibly reschedule things on Tues to do

the meeting that day -

Bob Sussman This is a meeting that needs to occur very early n... 12/01/2010 08:37:02 AM

12/01/2010 11:10 AM

From: Bob Sussman/DC/USEPA/US
To: Heidi Ellis/DC/USEPA/US@EPA

Cc: "Dan Gerasimowicz" <gerasimowicz.daniel@epa.gov>, "Ryan Robison"

<Robison.Ryan@epamail.epa.gov>

Date: 12/01/2010 08:37 AM Subject: Re: GE meeting

This is a meeting that needs to occur very early next week but after we brief LPJ on Monday on the GE cleanup. The CEOs of a number of New York environmental organizations have written to the Admin requesting this meeting. This is the group we want to meet with. The staff contact to arrange the meeting is Larry Levine in the NYC office of NRDC.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Heidi Ellis Hey Guys- Can you please follow up with Bob ab... 12/01/2010 08:16:09 AM

# Re: Could you give me a call to talk abt mtg between Immelt and Lisa?

Bob Sussman to: Denniston, Brackett (GE, Corporate)

12/01/2010 12:04 PM

Will be back in the office in 5 minutes.

From: "Denniston, Brackett (GE, Corporate)" [brackett.denniston@ge.com]

**Sent:** 12/01/2010 10:57 AM EST

To: Bob Sussman

Subject: Re: Could you give me a call to talk abt mtg between Immelt and Lisa?

Bob.

Just tried you. I will call again around noon.

Brackett

Sent from my iPad

On Dec 1, 2010, at 10:30 AM, "Sussman.Bob@epamail.epa.gov" < Sussman.Bob@epamail.epa.gov> wrote:

## Fw: Request for information about EPA/GE meetings on the Hudson River

Bob Sussman to: Seth Oster

Cc: "Brendan Gilfillan"

12/01/2010 02:44 PM

Are you in this loop?

From: Walter Mugdan

**Sent:** 12/01/2010 02:19 PM EST

**To:** schaaf.eric@epa.gov; simon.paul@epa.gov; Lisa Feldt; Bob Sussman; Judith Enck; Pavlou.George@epa.gov; James Woolford; Elizabeth Southerland;

Doug Garbarini; BDonohue@ENRD.USDOJ.GOV

Cc: king.david@epa.gov; Gary Klawinski; Benny Conetta;

mears mary@epa.gov; Bonnie Bellow

**Subject:** Request for information about EPA/GE meetings on the Hudson

River

A reporter for the Wall Street Journal has requested information about meetings between EPA and General Electric concerning the Hudson River. Our regional Public Affairs Division has been in communication with the Headquarters press office regarding this inquiry, and has asked us to compile a list of the meeting dates and participants. In consultation with Paul Simon I have undertaken to prepare a draft of such a listing -- see attached. This list identifies "high level" and "technical" meetings, terms that the parties have used to distinguish between policy discussions with senior regional and HQ representatives, and technical discussions with regional managers and staff.

I have also included in the list a meeting among GE and senior DOJ and EPA representatives; and, in the interest of providing a more complete picture of the interaction during the past several weeks between senior EPA representatives and other Hudson River stakeholders, I have also included a listing of meetings between EPA and the natural resources trustees, and between EPA and several NGOs.

Finally, I have included a note about two additional meetings currently being scheduled for the Administrator on December 7 (with the NGOs) and December 8 (with GE).

I have been advised that the reporter seeks this information by noon on Friday, Dec. 5 (the deadline for his story).

Please take a moment to review this list and let me know of any corrections. Thanks.





## RE: CORRECTED VERSION : Request for information about EPA/GE

meetings on the Hudson River

Bob Sussman to: Bonnie Bellow, Seth Oster, Brendan Gilfillan

12/01/2010 07:04 PM

Are we working with the reporter to provide our take on these meetings and the reasons why they are occurring? I hope we are trying to shape this story.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 **US Environmental Protection Agency** 

Bonnie Bellow The request from the Wall Street Journal is: 1. A... 12/01/2010 06:34:52 PM

Bonnie Bellow/R2/USEPA/US From:

To:

"Donohue, Brian (ENRD)" <BDonohue@ENRD.USDOJ.GOV> Benny Conetta/R2/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David Cc: King/R2/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, Elizabeth

Southerland/DC/USEPA/US@EPA, Eric Schaaf/R2/USEPA/US@EPA, Gary Klawinski/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Lisa

Feldt/DC/USEPA/US@EPA, Mary Mears/R2/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA,

"Kautsky, Peter (ENRD)" < PKautsky@ENRD.USDOJ.GOV >, Walter

Mugdan/R2/USEPA/US@EPA, Brendan Gilfillan

Date: 12/01/2010 06:34 PM

RE: CORRECTED VERSION : Request for information about EPA/GE meetings on the Hudson Subject:

River

#### The request from the Wall Street Journal is:

- 1. A list of in-person meetings between representatives of GE and the EPA during 2010 to discuss any aspect of the Hudson River Clean up efforts.
- 2. I'd like details specified of where the meeting took place, who attended from both parties and what day each meeting took place.
- 3. I would also like to see ay other details about the topic or short minutes of the meeting.

We plan to explain to the reporter that there have been high level meetings as well as a series of meetings between technical staff at EPA and GE. We are coordinating closely with the HQ's press office and will share anything that is ultimately released with everyone mentioned.

**Bonnie Bellow** Director, Public Affairs Division U.S. Environmental Protection Agency Region 2 212-637-3660 office 646-369-0062 cell

"Donohue, Brian (ENRD)"

Thanks, Walter. One question and one r... 12/01/2010 04:36:03 PM



# Re: CORRECTED VERSION :Request for information about EPA/GE meetings

on the Hudson River

Cc: Bonnie Bellow, Seth Oster

Bob Sussman to: Brendan Gilfillan

12/01/2010 07:08 PM

I'm available.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Brendan Gilfillan Can we all get on the phone sometime tomorrow... 12/01/2010 07:04:57 PM

From: Brendan Gilfillan/DC/USEPA/US

To: Bob Sussman/DC/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Seth

Oster/DC/USEPA/US@EPA

Date: 12/01/2010 07:04 PM

Subject: Re: CORRECTED VERSION :Request for information about EPA/GE meetings on the Hudson

River

Can we all get on the phone sometime tomorrow am to discuss?

### **Bob Sussman**

---- Original Message ----- From: Bob Sussman

Sent: 12/01/2010 07:04 PM EST

To: Bonnie Bellow; Seth Oster; Brendan Gilfillan

Subject: RE: CORRECTED VERSION : Request for information about EPA/GE

meetings on the Hudson River

Are we working with the reporter to provide our take on these meetings and the reasons why they are occurring? I hope we are trying to shape this story.

Bonnie Bellow	The request from the Wall Street Journal is: 1. A	12/01/2010 06:34:52 PM
"Donohue, Brian (ENF	RD)" Thanks, Walter. One question and one r	12/01/2010 04:36:03 PM



# Re: CORRECTED VERSION :Request for information about EPA/GE meetings

on the Hudson River

Bob Sussman to: Brendan Gilfillan

12/01/2010 07:09 PM

Cc: Seth Oster

Want to talk to you guys about this and what the role of the Region may be before looping in Bonnie.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Brendan Gilfillan Can we all get on the phone sometime tomorrow... 12/01/2010 07:04:57 PM

From: Brendan Gilfillan/DC/USEPA/US

To: Bob Sussman/DC/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Seth

Oster/DC/USEPA/US@EPA

Date: 12/01/2010 07:04 PM

Subject: Re: CORRECTED VERSION :Request for information about EPA/GE meetings on the Hudson

River

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---- Original Message ----From: Bob Sussman

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To: Bonnie Bellow; Seth Oster; Brendan Gilfillan

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Bonnie Bellow	The request from the Wall Street Journal is: 1. A	12/01/2010 06:34:52 PM
"Donohue, Brian (EN	RD)" Thanks, Walter. One question and one r	12/01/2010 04:36:03 PM



## Re: CORRECTED VERSION :Request for information about EPA/GE meetings

on the Hudson River

Bob Sussman to: Brendan Gilfillan

12/01/2010 07:09 PM

Cc: Bonnie Bellow, Seth Oster

YES.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Brendan Gilfillan Can folks do 10am? ----- Original Message ----- 12/01/2010 07:08:44 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA

Cc: Bonnie Bellow/R2/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA

Date: 12/01/2010 07:08 PM

Subject: Re: CORRECTED VERSION :Request for information about EPA/GE meetings on the Hudson

River

### Can folks do 10am?

### **Bob Sussman**

---- Original Message ----From: Bob Sussman

**Sent:** 12/01/2010 07:08 PM EST

To: Brendan Gilfillan

Cc: Bonnie Bellow; Seth Oster

Subject: Re: CORRECTED VERSION : Request for information about EPA/GE

meetings on the Hudson River

I'm available.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Brendan Gilfillan

Can we all get on the phone sometime tomorrow...

12/01/2010 07:04:57 PM

**Bob Sussman** 

---- Original Message ----From: Bob Sussman

Sent: 12/01/2010 07:04 PM EST

To: Bonnie Bellow; Seth Oster; Brendan Gilfillan

Subject: RE: CORRECTED VERSION : Request for information about EPA/GE

meetings on the Hudson River

Are we working with the reporter to provide our take on these meetings and the reasons why they are occurring? I hope we are trying to shape this story.

Robert M. Sussman

Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Bonnie Bellow	The request from the Wall Street Journal is: 1. A	12/01/2010 06:34:52 PM
"Donohue, Brian (EN	RD)" Thanks, Walter. One question and one r	12/01/2010 04:36:03 PM

Bob Sussman to: Brendan Gilfillan, Seth Oster

12/02/2010 07:42 PM

Looks good. I would change first sentence to refer to Administrator Jackson and HER STAFF since she has not attended many meetings.

Brendan Gilfillan

---- Original Message -----

From: Brendan Gilfillan

**Sent:** 12/02/2010 05:17 PM EST

To: Bob Sussman; Seth Oster <oster.seth@epa.gov>

Subject: Fw: List for WSJ

FYI - the list the region wants to provide is attached. How's this for a draft statement?

Administrator Jackson has made clear in her meetings with GE, with environmental stakeholders and state and city officials that she fully expects GE to finish this project and clean up the Hudson, a vital economic engine and natural resource for the entire region. EPA officials have not met with GE officials to negotiate, because a clean Hudson is non-negotiable. We've met with them - along with a wide range of environmental and community groups and state and local officials - because there are highly technical issues we have to work through to ensure the job is done right.

---- Forwarded by Brendan Gilfillan/DC/USEPA/US on 12/02/2010 05:12 PM -----

Mary Mears/R2/USEPA/US From:

To: Brendan Gilfillan/DC/USEPA/US@EPA

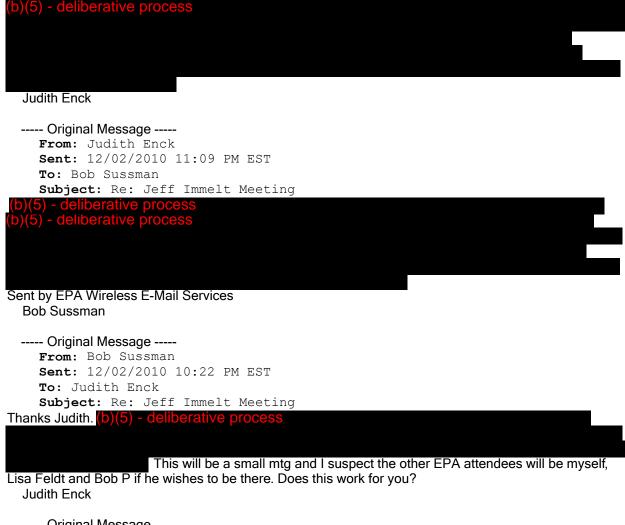
Date: 12/02/2010 05:10 PM

Subject: List for WSJ

### Hi Brendan:

We made a few changes to the list. Mostly to add some titles and also to take out the names from the stakeholders because he didn't ask for them and I think we'd have to give them a courtesy heads up before we'd give them out. the deadline for getting this info to him is noon tomorrow.

[attachment "Meetings List 12 02 10.docx" deleted by Bob Sussman/DC/USEPA/US] Mary Mears Chief, Public Outreach Branch, U.S. EPA office - 212-637-3673 cell - 646-369-0077 www.epa.gov/region2



---- Original Message ----From: Judith Enck

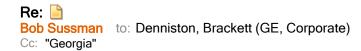
**Sent:** 12/02/2010 08:05 PM EST

To: Bob Sussman

Subject: Jeff Immelt Meeting

Hi Bob: Both Walter and I are unavilable to attend the Tuesday meeting with the NGO's so I have asked George Pavlou to attend for the region. I don't think it is wise for me to fly from san juan to washington and back on Wednesday for the Immelt meeting. The administrator's office called to invite me and said one person from the region. I would like to have George attend in my place. ok?

Judith Enck Regional Administrator U.S. Environmental Protection Agency 290 Broadway New York, N.Y. 10007-1866 (212) 637-5000



12/03/2010 04:43 PM

Am in Boston going to airport. Could talk now - (b) (6)

From: "Denniston, Brackett (GE, Corporate)" [brackett.denniston@ge.com]

**Sent:** 12/03/2010 04:35 PM EST

To: Bob Sussman

Cc: <Georgia@epamail.epa.gov>

Bob,

Just tried you. Is there a good time we could talk this afternoon or over the weekend if this afternoon is not workable (Sunday afternoon best for me)?

**Thanks** 

Brackett

Re: WSJ follow-up

Bob Sussman to: Brendan Gilfillan

12/03/2010 04:45 PM

Works for me.
Brendan Gilfillan

---- Original Message -----

From: Brendan Gilfillan

**Sent:** 12/03/2010 03:42 PM EST

To: Bob Sussman

Subject: WSJ follow-ups

Hey Bob -

Please see the below follow-ups from the WSJ re: GE - the region provided the answers, which they've cleared with DOJ. They look fine to me. Thanks:

1) Why did DOJ staff sit in on some discussions between GE and the EPA? How rare is that? The Hudson River cleanup process, including the two phased approach with a peer review between the two phases, is laid out in a Consent Decree so it is appropriate that DOJ be involved to help EPA make sure the conditions of that legal agreement are being met as we move forward in developing the next phase of this cleanup.

2) How rare is it for the EPA to have these kind of ongoing, high-level technical discussions with companies on a clean up effort like this? Is it unique? While meetings like these do sometimes occur, the project itself is unique. It is incredibly technically complex, challenging and expensive and involves a large stretch of a historic river. Such high level involvement shows the EPA's commitment to this cleanup.



# Fw: GE Response to NGO Letter

Bob Sussman to: Richard Windsor, Bob Perciasepe

12/04/2010 08:21 AM

Worth reading as a statement of how GE sees the issues.

----- Forwarded by Bob Sussman/DC/USEPA/US on 12/04/2010 08:20 AM -----

From: Walter Mugdan/R2/USEPA/US

To: Enck.Judith@epamail.epa.gov, Pavlou.George@epa.gov, Sussman.Bob@epamail.epa.gov, Lisa

Feldt/DC/USEPA/US@EPA, Stanislaus.Mathy@epamail.epa.gov, Catherine McCabe/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Southerland.Elizabeth@epamail.epa.gov

Date: 12/03/2010 06:30 PM

Subject: Fw: GE Response to NGO Letter

FYI, attached is a letter from GE to the Administrator responding to the recent letter from the NGOs to the Administrator.

---- Forwarded by Walter Mugdan/R2/USEPA/US on 12/03/2010 06:29 PM -----

From: "Klee, Ann (GE, Corporate)" < Ann. Klee@ge.com>

To: Walter Mugdan/R2/USEPA/US@EPA

Date: 12/03/2010 06:10 PM

Subject: GE Response to NGO Letter

Walter -- FYI. Pursuant to our discussion.





### Fw: Hudson River Letter from DOI

Bob Sussman to: Walter Mugdan, Judith Enck, Mathy Stanislaus, Cynthia Giles-AA, Lisa Feldt

12/04/2010 08:31 AM

### In case you haven't seen this.

---- Forwarded by Bob Sussman/DC/USEPA/US on 12/04/2010 08:29 AM -----

From: Wendi\_Weber@fws.gov

To: Bob Sussman/DC/USEPA/US@EPA

Cc: Judith Enck/R2/USEPA/US@EPA, Tom.Brosnan@noaa.gov, Brian.Donahue@usdoj.gov, Robert\_Foley@fws.gov, MARK.BARASH@exchange.sol.doi.gov, sfgruski@gw.dec.state.ny.us,

Robert\_Foley@fws.gov, MARK.BARASH@exchange.sol.dol.gov, sfgruski@gw.dec.state.ny.usrobert.haddad@noaa.gov, Marvin\_Moriarty@fws.gov, "Paul Phifer" <paul\_phifer@fws.gov>

Date: 12/03/2010 05:56 PM

Subject: Hudson River Letter from DOI

### Mr. Sussman,

Please see attached letter with hard copy to follow in the mail. Thank you for the opportunity to comment.

(See attached file: EPA Hudson River Letter 12-3-10.pdf)

Wendi Weber Deputy Regional Director Department of Interior U.S. Fish and Wildlife Service 300 Westgate Center Drive Hadley, MA 01035-9589 413/253-8301 413/253-8308fax

(b) (6) cell

wendi weber@fws.gov

PDF

EPA Hudson River Letter 12-3-10.pdf



\*Confidential: Re: Fw:: Rationale for supporting 10% overall capping

CONFIDENTIAL/DELIBERATIVE

Bob Sussman to: Mathy Stanislaus 12/04/2010 08:42 AM

Cc: Lisa Feldt

Thanks. This is very helpful. It's important to know where OSWER stands. Lisa J will value your input.

Mathy Stanislaus ----- Original Message ----- From: Elizabeth... 12/03/2010 02:49:55 PM

From: Mathy Stanislaus/DC/USEPA/US

"Bob Sussman" <Sussman.Bob@epamail.epa.gov> To:

12/03/2010 02:49 PM Date:

Fw: \*Confidential: : Rationale for supporting 10% overall capping Subject:

CONFIDENTIAL/DELIBERATIVE

### Elizabeth Southerland

---- Original Message -----

From: Elizabeth Southerland Sent: 12/03/2010 02:33 PM EST

To: feldt.lisa@epa.gov; stanislaus.mathy@epa.gov; breen.barry@epa.gov

Cc: woolford.james@epa.gov

Subject: Fw: \*Confidential: : Rationale for supporting 10% overall capping

CONFIDENTIAL/DELIBERATIVE

We have been working with the Region. Walter will be sending today a briefing paper with 3 options

### Doug Garbarini

---- Original Message -----From: Doug Garbarini

Sent: 12/03/2010 12:41 PM EST

To: Elizabeth Southerland

Cc: James Woolford; Walter Mugdan; Paul Simon

Subject: Re: \*Confidential: : Rationale for supporting 10% overall capping

CONFIDENTIAL/DELIBERATIVE

Thanks Betsy

# (b)(5) - deliberative process (b)(5) - deliberative process

I will forward your email along to Walter so that he can consider your comments. Thanks for doing the legwork on the supporting rationale.

Doug

Elizabeth Southerland I wanted to lay out the following rationale to s... 12/03/2010 11:58:29 AM

1 attachment [attachment "Hudson Ltr2Enck 090810.pdf" deleted by Doug Garbarini/R2/USEPA/US]

Elizabeth Southerland I am in another meeting now, sorry! I can't fig... 12/02/2010 04:22:38 PM Doug Garbarini

---- Original Message -----From: Doug Garbarini

Sent: 12/02/2010 03:40 PM EST
To: Elizabeth Southerland

Subject: \*Confidential: Betsy. I am on a conf call and will call you when

I get off. Maybe 4:15 or so?



### Re: Revised Hudson Presentation



12/05/2010 10:01 AM

Bob Sussman to: waltermugdan

bdonahue, Benny Conetta, Catherine McCabe, David King, Doug Garbarini, Douglas Fischer, egfeldt, Elizabeth Southerland, Elliott Gilberg, Eric Schaaf, Gary Klawinski, George Pavlou, James

Walter -- thanks for the speedy revisions. We're almost there,

I've suggested a few additional edits in the text. They're highlighted in CAPS.

In addition, please consider the following major points:



We can discuss this more tomorrow.

Walter -- if you can make these further adjustments to the presentation, I will send it to the administrator... Thanks for the great work.

waltermugdan Attached is the revised draft. 12/04/2010 06:01:58 PM

From:

waltermugdar (b) (6) Eric Schaaf/R2/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA, Douglas To:

Fischer/R2/USEPA/US@EPA, David King/R2/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, Benny Conetta/R2/USEPA/US@EPA, Gary

Klawinski/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, egfeld (b) (6) Enck/R2/USEPA/US@EPA, Elizabeth Southerland/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Catherine

McCabe/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, bdonahue@enrd.usdoj.gov, pkautsky@enrd.usdoj.gov

Date: 12/04/2010 06:01 PM

Subject: Revised Hudson Presentation

Attached is the revised draft.



HudsonBriefing-\_12-6-10[3].ppt



Re: Revised Hudson Presentation



Bob Sussman to: Mathy Stanislaus

Cc: "Lisa Feldt"

Mathy Stanislaus

12/05/2010 10:58:08 AM

12/05/2010 01:11 PM

Mathy Stanislaus/DC/USEPA/US From: Bob Sussman/DC/USEPA/US@EPA To: Cc: "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>

12/05/2010 10:58 AM Date:

Subject: Re: Revised Hudson Presentation

### Mathy

### **Bob Sussman**

---- Original Message -----From: Bob Sussman

Sent: 12/05/2010 10:01 AM EST

To: waltermugdan(b)(6)

Cc: bdonahue@enrd.usdoj.gov; Benny Conetta; Catherine McCabe; David King; Doug Garbarini; Douglas Fischer; egfeldt@(b)(6); Elizabeth Southerland; Elliott Gilberg; Eric Schaaf; Gary Klawinski; George Pavlou; James Woolford;

Judith Enck; Lisa Feldt; Mathy Stanislaus; Paul Simon;

pkautsky@enrd.usdoj.gov; Walter Mugdan

Subject: Re: Revised Hudson Presentation Walter -- thanks for the speedy revisions. We're almost there,

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# (b)(5) - deliberative process

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Walter -- if you can make these further adjustments to the presentation, I will send it to the administrator.. Thanks for the great work.

waltermugdan

Attached is the revised draft.

12/04/2010 06:01:58 PM



Re: Revised Hudson Presentation



Bob Sussman to: Bob Sussman Cc: "Lisa Feldt", Mathy Stanislaus

12/05/2010 01:16 PM

### o)(5) - deliberative process

et me know if you disagree.

**Bob Sussman** 

12/05/2010 01:11:48 PM

Bob Sussman/DC/USEPA/US From:

Mathy Stanislaus/DC/USEPA/US@EPA To: Cc: "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>

Date: 12/05/2010 01:11 PM

Re: Revised Hudson Presentation Subject:

Mathy Stanislaus

(b)(5) - deliberative proce

12/05/2010 10:58:08 AM

**Bob Sussman** 

---- Original Message -----From: Bob Sussman

Sent: 12/05/2010 10:01 AM EST

To: waltermugdan@(b)(6)

Cc: bdonahue@enrd.usdoj.gov; Benny Conetta; Catherine McCabe; David King; Doug Garbarini; Douglas Fischer; egfeldt(b)(6); Elizabeth Southerland; Elliott Gilberg; Eric Schaaf; Gary Klawinski; George Pavlou; James Woolford;

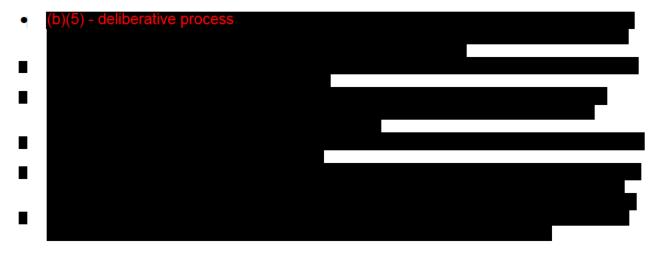
Judith Enck; Lisa Feldt; Mathy Stanislaus; Paul Simon;

pkautsky@enrd.usdoj.gov; Walter Mugdan

Subject: Re: Revised Hudson Presentation Walter -- thanks for the speedy revisions. We're almost there,

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waltermugdan

Attached is the revised draft.

12/04/2010 06:01:58 PM

Re: Revised Hudson Presentation

Bob Sussman to: Mathy Stanislaus

Cc: Lisa Feldt

### b)(5) - deliberative process

Mathy Stanislaus

---- Original Message -----

From: Mathy Stanislaus

Sent: 12/05/2010 01:52 PM EST

To: Bob Sussman Cc: Lisa Feldt

Subject: Re: Revised Hudson Presentation

### b)(5) - deliberative process

The progressive increase in confidence and rigor as sediment cleanups progress through adaptive management has been the experience in sediment cleanups.

Bob Sussman

---- Original Message -----From: Bob Sussman

Sent: 12/05/2010 01:11 PM EST

To: Mathy Stanislaus

Cc: Lisa Feldt

Subject: Re: Revised Hudson Presentation

### b)(5) - deliberative proce

### Mathy Stanislaus

12/05/2010 10:58:08 AM

From: Mathy Stanislaus/DC/USEPA/US To: Bob Sussman/DC/USEPA/US@EPA Cc: "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>

Date: 12/05/2010 10:58 AM

Re: Revised Hudson Presentation Subject:

### b)(5) - deliberative proce

### Mathy

### Bob Sussman

---- Original Message -----From: Bob Sussman

Sent: 12/05/2010 10:01 AM EST

To: waltermugdan@(b)(6)

Cc: bdonahue@enrd.usdoj.gov; Benny Conetta; Catherine McCabe; David King; Doug Garbarini; Douglas Fischer; egfeldt@(b)(6); Elizabeth Southerland; Elliott Gilberg; Eric Schaaf; Gary Klawinski; George Pavlou; James Woolford;

Judith Enck; Lisa Feldt; Mathy Stanislaus; Paul Simon;

pkautsky@enrd.usdoj.gov; Walter Mugdan

12/05/2010 02:06 PM

**Subject:** Re: Revised Hudson Presentation Walter -- thanks for the speedy revisions. We're almost there,

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Walter -- if you can make these further adjustments to the presentation, I will send it to the administrator.. Thanks for the great work.

waltermugdan Attached is the revised draft. 12/04/2010 06:01:58 PM



Re: Revised Hudson Presentation



Bob Sussman to: Mathy Stanislaus

Cc: Lisa Feldt

agreed.

Mathy Stanislaus Agreed - we do have a messaging challenge reg... 12/05/2010 02:22:01 PM

From: Mathy Stanislaus/DC/USEPA/US To: Bob Sussman/DC/USEPA/US@EPA Lisa Feldt/DC/USEPA/US@EPA Cc: Date: 12/05/2010 02:22 PM

Subject: Re: Revised Hudson Presentation

### b)(5) - deliberative proce

### **Bob Sussman**

### ---- Original Message -----

From: Bob Sussman

**Sent:** 12/05/2010 02:06 PM EST

To: Mathy Stanislaus

Cc: Lisa Feldt

Subject: Re: Revised Hudson Presentation

### b)(5) - deliberative process

### Mathy Stanislaus

### ---- Original Message -----

From: Mathy Stanislaus

**Sent:** 12/05/2010 01:52 PM EST

To: Bob Sussman Cc: Lisa Feldt

Subject: Re: Revised Hudson Presentation

### b)(5) - deliberative process

The progressive increase in confidence and rigor as sediment cleanups progress through adaptive management has been the experience in sediment cleanups.

**Bob Sussman** 

### ---- Original Message -----

From: Bob Sussman

**Sent:** 12/05/2010 01:11 PM EST

To: Mathy Stanislaus

Cc: Lisa Feldt

Subject: Re: Revised Hudson Presentation

### b)(5) - deliberative proce

12/05/2010 02:27 PM

Mathy Stanislaus Bob Sussman (b)(5) - deliberative process

12/05/2010 10:58:08 AM

---- Original Message ----- From: Bob Sussman

Sent: 12/05/2010 10:01 AM EST

To: waltermugdan@(b)(6)

Cc: bdonahue@enrd.usdoj.gov; Benny Conetta; Catherine McCabe; David King; Doug Garbarini; Douglas Fischer; egfeldt@(b)(6); Elizabeth Southerland; Elliott Gilberg; Eric Schaaf; Gary Klawinski; George Pavlou; James Woolford; Judith Enck; Lisa Feldt; Mathy Stanislaus; Paul Simon;

pkautsky@enrd.usdoj.gov; Walter Mugdan

Subject: Re: Revised Hudson Presentation Walter -- thanks for the speedy revisions. We're almost there,

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We can discuss this more tomorrow.

Walter -- if you can make these further adjustments to the presentation, I will send it to the administrator.. Thanks for the great work.

waltermugdan

Attached is the revised draft.

12/04/2010 06:01:58 PM



### **Hudson Presentation for Tomorrow**

Bob Sussman to: Richard Windsor

Cc: Bob Perciasepe, Lisa Feldt, Mathy Stanislaus, Judith Enck

### CONFIDENTIAL AND DELIBERATIVE -- DO NOT FURTHER DISTRIBUTE

Lisa --- the enclosed is the R2/OSWER presentation for tomorrow's internal GE briefing. It's still being fine-tuned but I'd urge you to peruse it today if you have time. The issues are complex and (even for a fast study like you) need time to sink in.

12/05/2010 04:23 PM



A few points to keep in mind:





I invite others to chime in.

----- Forwarded by Bob Sussman/DC/USEPA/US on 12/05/2010 02:30 PM -----etr

From:

waltermugdan@(b) (6) Eric Schaaf/R2/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA, Douglas To:

Fischer/R2/USEPA/US@EPA, David King/R2/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, Benny Conetta/R2/USEPA/US@EPA, Gary Klawinski/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Judith

Enck/R2/USEPA/US@EPA, egfeldt@ (6), Elizabeth Southerland/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Catherine

McCabe/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, bdonahue@enrd.usdoj.gov, pkautsky@enrd.usdoj.gov

Date: 12/04/2010 06:01 PM

**Revised Hudson Presentation** Subject:

Attached is the revised draft.

HudsonBriefing-\_12-6-10[3].ppt



# Re: Revised Hudson Presentation Bob Sussman to: waltermugdan

Sussman to: waltermugdan 12/05/2010 07:29 PM

Walter -- THANKS FOR TURNING THIS AROUND. GREAT JOB. SEE YOU TOMORROW.

waltermugdan Sorry for the delay in responding. I've tried to refl... 12/05/2010 05:47:06 PM

From: waltermugdan@(b) (6)

To: Bob Sussman/DC/USEPA/US@EPA

Cc: bdonahue@enrd.usdoj.gov, Benny Conetta/R2/USEPA/US@EPA, Catherine McCabe/DC/USEPA/US@EPA, David King/R2/USEPA/US@EPA, Doug

Garbarini/R2/USEPA/US@EPA, Douglas Fischer/R2/USEPA/US@EPA, egfeld (b) (6) Elizabeth Southerland/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Eric

Schaaf/R2/USEPA/US@EPA, Gary Klawinski/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Judith

Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy

Stanislaus/DC/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA, pkautsky@enrd.usdoj.gov,

Walter Mugdan/R2/USEPA/US@EPA

Date: 12/05/2010 05:47 PM

Subject: Re: Revised Hudson Presentation

Sorry for the delay in responding. I've tried to reflect everyone's comments in this next draft (to the extent possible; a few comments were inconsistent with one another).

Bob -- see my replies in CAPS, below, to your additional observations.

----Original Message-----

From: Sussman.Bob <Sussman.Bob@epamail.epa.gov>

To: waltermugdan < waltermugdan @(b) (6) >

Cc: bdonahue <bdonahue@enrd.usdoj.gov>; Conetta.Benny

<Conetta.Benny@epamail.epa.gov>; McCabe.Catherine

<McCabe.Catherine@epamail.epa.gov>; King.David <King.David@epamail.epa.gov>;

Garbarini.Doug <Garbarini.Doug@epamail.epa.gov>; Fischer.Douglas

<Fischer.Douglas@epamail.epa.gov>; egfeldt <egfeldt@(b) (6) >;

Southerland.Elizabeth <Southerland.Elizabeth@epamail.epa.gov>; Gilberg.Elliott

<Gilberg.Elliott@epamail.epa.gov>; Schaaf.Eric <Schaaf.Eric@epamail.epa.gov>;

Klawinski.Gary <Klawinski.Gary@epamail.epa.gov>; Pavlou.George

<Pavlou.George@epamail.epa.gov>; Woolford.James

<Woolford.James@epamail.epa.gov>; Enck.Judith <Enck.Judith@epamail.epa.gov>;

Feldt.Lisa <Feldt.Lisa@epamail.epa.gov>; Stanislaus.Mathy

<Stanislaus.Mathy@epamail.epa.gov>; Simon.Paul <Simon.Paul@epamail.epa.gov>;

pkautsky <pkautsky@enrd.usdoj.gov>; Mugdan.Walter

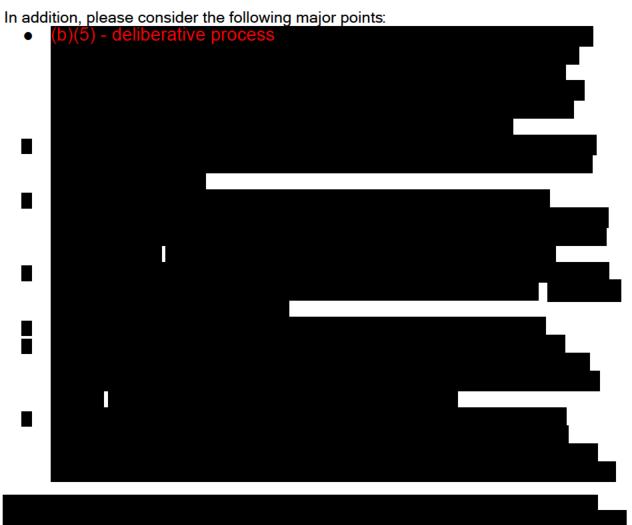
<Muqdan.Walter@epamail.epa.gov>

Sent: Sun, Dec 5, 2010 10:01 am

Subject: Re: Revised Hudson Presentation

Walter -- thanks for the speedy revisions. We're almost there,

I've suggested a few additional edits in the text. They're highlighted in CAPS.



We can discuss this more tomorrow.

Walter -- if you can make these further adjustments to the presentation, I will send it to the administrator.. Thanks for the great work.

```
waltermugdan@(b) (6)
m

Eric Schaaf/R2/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA, Douglas Fischer/R2/USEPA/US@EPA, David
King/R2/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, Benny Conetta/R2/USEPA/US@EPA, Gary
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Klawinski/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, egfeld(b) (6)
Klawinski/R2/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Catherine
McCabe/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Walter
Mugdan/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, bdonahue@enrd.usdoj.gov, pkautsky@enrd.usdoj.gov

12/04/2010 06:01 PM
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S Revised Hudson Presentation
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bj
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Attached is the revised draft.[attachment "HudsonBriefing-\_12-6-10[4].ppt" deleted by Bob Sussman/DC/USEPA/US]



# Fw: Revised Hudson Presentation Bob Sussman to: Richard Windsor Cc: Bob Perciasepe, Heidi Ellis

Sussman to: Richard Windsor 12/05/2010 07:42 PM

Lisa -- here is the final GE presentation for tomorrow, if you're inclined to review it tonight.

Aaron and Heidi -- hopefully we can get this in the Administrator's book in the am.

---- Forwarded by Bob Sussman/DC/USEPA/US on 12/05/2010 07:39 PM -----

From: waltermugdar(b) (6)

To: Bob Sussman/DC/USEPA/US@EPA

Cc: bdonahue@enrd.usdoj.gov, Benny Conetta/R2/USEPA/US@EPA, Catherine

McCabe/DC/USEPA/US@EPA, David King/R2/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, Douglas Fischer/R2/USEPA/US@EPA, egfeldt@(b) (6)

Elizabeth Southerland/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Eric

Schaaf/R2/USEPA/US@EPA, Gary Klawinski/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Judith

Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy

Stanislaus/DC/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA, pkautsky@enrd.usdoj.gov,

Walter Mugdan/R2/USEPA/US@EPA

Date: 12/05/2010 05:47 PM

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From: Sussman.Bob <Sussman.Bob@epamail.epa.gov>

To: waltermugdan <waltermugdan@(b) (6) >

Cc: bdonahue <bdonahue@enrd.usdoj.gov>; Conetta.Benny

<Conetta.Benny@epamail.epa.gov>; McCabe.Catherine

<McCabe.Catherine@epamail.epa.gov>; King.David <King.David@epamail.epa.gov>;

Garbarini.Doug <Garbarini.Doug@epamail.epa.gov>; Fischer.Douglas

<Fischer.Douglas@epamail.epa.gov>; egfeldt <egfeldt@(b) (6) >;

Southerland. Elizabeth < Southerland. Elizabeth @epamail. epa.gov >; Gilberg. Elliott

<Gilberg.Elliott@epamail.epa.gov>; Schaaf.Eric <Schaaf.Eric@epamail.epa.gov>;

Klawinski.Gary <Klawinski.Gary@epamail.epa.gov>; Pavlou.George

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<Woolford.James@epamail.epa.gov>; Enck.Judith <Enck.Judith@epamail.epa.gov>;

Feldt.Lisa <Feldt.Lisa@epamail.epa.gov>; Stanislaus.Mathy

<Stanislaus.Mathy@epamail.epa.gov>; Simon.Paul <Simon.Paul@epamail.epa.gov>;

pkautsky <pkautsky@enrd.usdoj.gov>; Mugdan.Walter

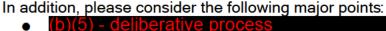
<Mugdan.Walter@epamail.epa.gov>

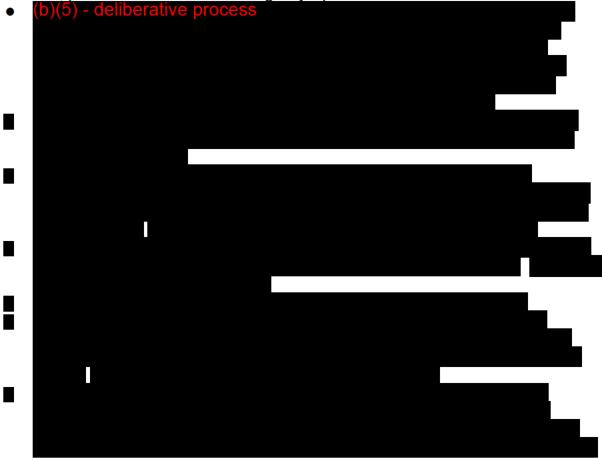
Sent: Sun, Dec 5, 2010 10:01 am

Subject: Re: Revised Hudson Presentation

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Fr waltermugdan@(b) (6) m

T Eric Schaaf/R2/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA, Douglas Fischer/R2/USEPA/US@EPA, David King/R2/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, Benny Conetta/R2/USEPA/US@EPA, Gary Klawinski/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, egfeldt@(b) (6), Elizabeth Southerland/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Mathy Stanislas/DC/USEPA/US@EPA, Catherine McCabe/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Walter

Mugdan/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, bdonahue@enrd.usdoj.gov, pkautsky@enrd.usdoj.gov

D at	12/04/2010 06:01 PM
e:	
S u bj e ct	Revised Hudson Presentation



Attached is the revised draft. HudsonBriefing-\_12-6-10[4].ppt

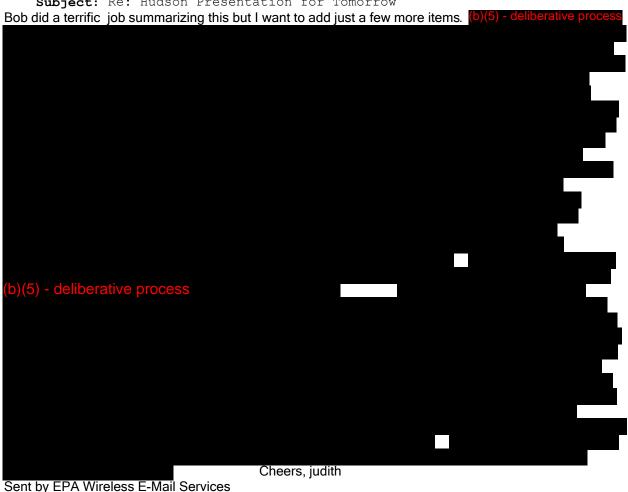
12/06/2010 07:09 AM

Thanks judith. Good for the administrator to hear. Judith Enck

---- Original Message ----- From: Judith Enck

Sent: 12/05/2010 08:42 PM EST
To: Bob Sussman; Richard Windsor

Cc: Bob Perciasepe; Lisa Feldt; Mathy Stanislaus
Subject: Re: Hudson Presentation for Tomorrow



Sent by EPA Wireless E-Mail Services Bob Sussman

---- Original Message ----From: Bob Sussman

**Sent:** 12/05/2010 04:23 PM EST

To: Richard Windsor

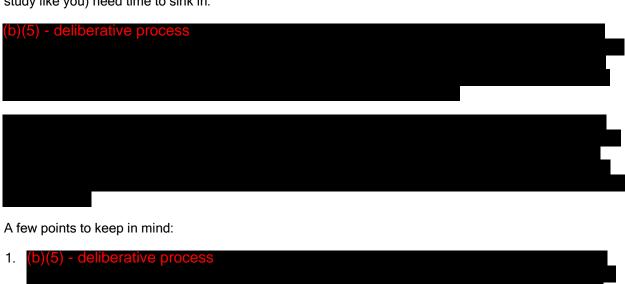
Cc: Bob Perciasepe; Lisa Feldt; Mathy Stanislaus; Judith Enck

Subject: Hudson Presentation for Tomorrow

CONFIDENTIAL AND DELIBERATIVE -- DO NOT FURTHER DISTRIBUTE

Lisa --- the enclosed is the R2/OSWER presentation for tomorrow's internal GE briefing. It's still being

fine-tuned but I'd urge you to peruse it today if you have time. The issues are complex and (even for a fast study like you) need time to sink in.







### I invite others to chime in.

----- Forwarded by Bob Sussman/DC/USEPA/US on 12/05/2010 02:30 PM -----etr

From:

waltermugdan@(b) (6)
Eric Schaaf/R2/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA, Douglas To:

Fischer/R2/USEPA/US@EPA, David King/R2/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, Benny Conetta/R2/USEPA/US@EPA, Gary

Klawinski/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, egfeldt@ (b) (6), Elizabeth Southerland/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Catherine

McCabe/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Lisa

Feldt/DC/USEPA/US@EPA, bdonahue@enrd.usdoj.gov, pkautsky@enrd.usdoj.gov

Date: 12/04/2010 06:01 PM

Subject: Revised Hudson Presentation

Attached is the revised draft.

[attachment "HudsonBriefing- 12-6-10[3].ppt" deleted by Judith Enck/R2/USEPA/US]



### Fw: WSJ article on Hudson decision

Richard Windsor, Bob Perciasepe, Diane Thompson, Arvin Ganesan, Seth Oster

12/06/2010 08:32 AM

Aside from confusing me with Bob P, this is not a bad article.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397
US Environmental Protection Agency

---- Forwarded by Bob Sussman/DC/USEPA/US on 12/06/2010 08:30 AM -----

From: Mary Mears/R2/USEPA/US

To: Judith Enck/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Walter

Mugdan/R2/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Bob

Sussman/DC/USEPA/US@EPA

Cc: Dave Kluesner/R2/USEPA/US@EPA, mcgowan.michael@epa.gov

Date: 12/06/2010 08:03 AM

Subject: WSJ article on Hudson decision

### Hi all:

See the article that appeared in yesterday's WSJ. I think it came out well. One issue is that he attributed to me part of the answers to the follow up questions that he sent to me, which I guess is OK. Not sure where he got the Dec 13 date -- it's actually not necessarily true and we certainly didn't talk dates. Maybe GE?

Mary Mears Chief, Public Outreach Branch, U.S. EPA office - 212-637-3673 cell - 646-369-0077 www.epa.gov/region2

### **GE Awaits Verdict on Hudson Cleanup**

### **By PAUL GLADER**

The Environmental Protection Agency expects to issue its verdict Dec. 13 on the next stage of the Hudson River cleanup, as General Electric Co. and New York state officials continue to scuffle over how the conglomerate should go about removing toxic chemicals it dumped for decades.

The state fears GE is trying to tilt the decision in favor of less dredging and more "capping," a procedure that involves anchoring heavy sediment to the river bottom to entomb toxic material in the soil. New York worries capping won't stop further leaching and would disrupt riverbed habitats.

"We do not believe that GE's desire to save money is an appropriate basis for departing from the [plan], and surely does not justify an unacceptable environmental result," Stuart Gruskin, deputy commissioner of the New York State Department of Environmental Conservation, said in a letter Thursday to deputy EPA administrator Robert Sussman.

GE says the first phase of the cleanup, in 2009, showed dredging released more toxins into the

river than expected. The company says its concern is doing the amount of dredging that will be effective.

"GE has seldom raised cost issues with EPA," Ann R. Klee, GE's vice president of corporate environmental programs, said in a letter to EPA Administrator Lisa Jackson on Dec. 3. "GE is not advocating a capping remedy. Rather, we are prepared, and have offered to, conduct a very substantial dredging project."

The next phase of dredging is expected to begin in late spring. How it is carried out will have financial as well as environmental implications. The EPA originally estimated the cleanup would cost \$760 million. GE says it already has spent \$830 million on the effort since 1990, including \$561 million to plan and design the first phase of dredging.

GE Chief Executive Jeffrey Immelt told analysts on an Oct. 15 conference call that costs from the EPA decision could affect earnings in the fourth quarter. "This will likely be a slight negative," he said.

Two GE factories near Albany discharged polychlorinated biphenyls, or PCBs, for three decades legally before the toxic chemicals were banned in 1977, setting up one of the largest cleanups under the federal Superfund law. The Fairfield, Conn.-based conglomerate began dredging up contaminated soil in 2009, complying after years of battling the EPA over who is responsible for the cleanup.

In August, an independent panel of scientists called for new methods to clean 15% of the river bottom on a 40-mile stretch of the Hudson from Fort Edward to Albany, because it wanted less contamination released during dredging and more productive dredging. The EPA has been considering the panel's recommendations to improve engineering standards and monitoring, as well as input from GE and environmental groups, before the next phase starts.

All the parties now agree that 10% of the contaminated area must be capped, because the PCBs lie in heavy bedrock or near bridge piers. Environmental groups say the EPA is considering capping in another 10% to 14% of the contaminated areas in Phase 2.

GE will have 30 days to comply with or challenge the EPA's decision. "We made a commitment to work with the EPA to meet their goals and to continue and complete the Hudson River cleanup," said Mark Behan, a GE spokesman.

GE's Mr. Immelt met with Ms. Jackson at EPA headquarters in Washington on Sept. 23, according to her public calendar. According to the EPA, it has held six in-person meetings with senior GE executives since August and dozens of technical discussions by phone.

The EPA has had four meetings with environmental groups during the same time frame. It plans to meet with both sides this week before announcing its decision.

The EPA "fully expects GE to finish this project and clean up the Hudson," said EPA spokeswoman Mary Mears. "EPA officials have not met with GE officials to negotiate, because a clean Hudson is non-negotiable."

Write to Paul Glader at paul.glader@wsj.com



# Fw: Revised Hudson Presentation Bob Sussman to: Georgia Bednar

12/06/2010 09:41 AM

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

---- Forwarded by Bob Sussman/DC/USEPA/US on 12/06/2010 09:42 AM -----

From: waltermugdar(b) (6)

To: Bob Sussman/DC/USEPA/US@EPA

Cc: bdonahue@enrd.usdoj.gov, Benny Conetta/R2/USEPA/US@EPA, Catherine

McCabe/DC/USEPA/US@EPA, David King/R2/USEPA/US@EPA, Doug

Garbarini/R2/USEPA/US@EPA, Douglas Fischer/R2/USEPA/US@EPA, egfeldt@(b) (6) Elizabeth Southerland/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Eric

Schaaf/R2/USEPA/US@EPA, Gary Klawinski/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Judith

Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy

Stanislaus/DC/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA, pkautsky@enrd.usdoj.gov,

Walter Mugdan/R2/USEPA/US@EPA

Date: 12/05/2010 05:47 PM

Subject: Re: Revised Hudson Presentation

Sorry for the delay in responding. I've tried to reflect everyone's comments in this next draft (to the extent possible; a few comments were inconsistent with one another).

Bob -- see my replies in CAPS, below, to your additional observations.

----Original Message-----

From: Sussman.Bob <Sussman.Bob@epamail.epa.gov>

To: waltermugdan <waltermugdan(b) (6) >

Cc: bdonahue <bdonahue@enrd.usdoj.gov>; Conetta.Benny

<Conetta.Benny@epamail.epa.gov>; McCabe.Catherine

<McCabe.Catherine@epamail.epa.gov>; King.David <King.David@epamail.epa.gov>;

Garbarini.Doug <Garbarini.Doug@epamail.epa.gov>; Fischer.Douglas

<Fischer.Douglas@epamail.epa.gov>; egfeldt <egfeldt@(b) (6) >;

Southerland. Elizabeth < Southerland. Elizabeth @epamail.epa.gov >; Gilberg. Elliott

<Gilberg.Elliott@epamail.epa.gov>; Schaaf.Eric <Schaaf.Eric@epamail.epa.gov>;

Klawinski.Gary < Klawinski.Gary@epamail.epa.gov>; Pavlou.George

<Pavlou.George@epamail.epa.gov>; Woolford.James

<Woolford.James@epamail.epa.gov>; Enck.Judith <Enck.Judith@epamail.epa.gov>;

Feldt.Lisa <Feldt.Lisa@epamail.epa.gov>; Stanislaus.Mathy

<Stanislaus.Mathy@epamail.epa.gov>; Simon.Paul <Simon.Paul@epamail.epa.gov>;

pkautsky <pkautsky@enrd.usdoj.gov>; Mugdan.Walter

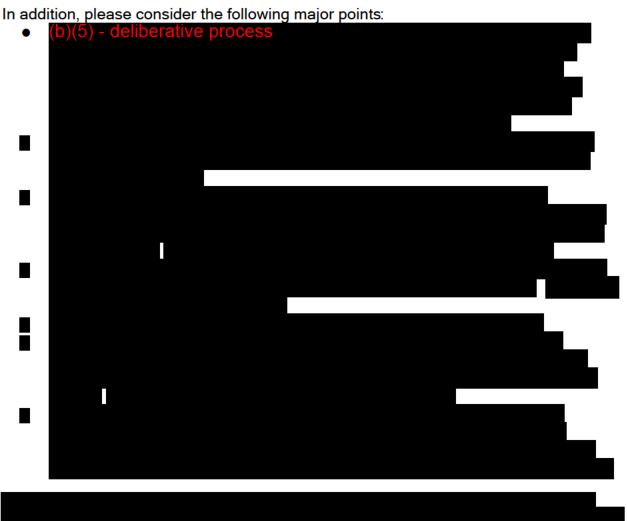
<Mugdan.Walter@epamail.epa.gov>

Sent: Sun, Dec 5, 2010 10:01 am

### Subject: Re: Revised Hudson Presentation

Walter -- thanks for the speedy revisions. We're almost there,

I've suggested a few additional edits in the text. They're highlighted in CAPS.



We can discuss this more tomorrow.

Walter -- if you can make these further adjustments to the presentation, I will send it to the administrator.. Thanks for the great work.

Fr waltermugdan@(b) (6) m

T Eric Schaaf/R2/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA, Douglas Fischer/R2/USEPA/US@EPA, David King/R2/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, Benny Conetta/R2/USEPA/US@EPA, Gary

Klawinski/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, egfeldt@(b) (6), Elizabeth Southerland/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Catherine McCabe/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Walter

	Mugdan/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, bdonahue@enrd.usdoj.gov, pkautsky@enrd.usdoj.gov
D at	12/04/2010 06:01 PM
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Attached is the revised draft. HudsonBriefing-\_12-6-10[4].ppt



# Meeting on wednesday

Bob Sussman to: brackett.denniston

Cc: Walter Mugdan, Lisa Feldt, George Pavlou, Cynthia Giles-AA, Georgia Bednar

12/06/2010 07:50 PM

Brackett -- relooking at my calendar, I think the best Wednesday meeting time would be around 11:30. But if that doesn't work and maybe you said it didn't, could we shoot for 10:00 (assuming that works for our NY colleagues)? I mentioned 9:30 earlier but I'm afraid it won't work.

Re: Hudson 🗎

Bob Sussman to: Judith Enck

12/07/2010 06:54 AM

Hanks judith. Feel free to call me too.
Judith Enck

---- Original Message ----From: Judith Enck

**Sent:** 12/06/2010 11:13 PM EST

To: Bob Sussman
Subject: Fw: Hudson

Can't remember if I sent u this earlier. I hope the mtgs over the next few days provide greater clarity. I felt I was rather muddled in todays meeting and didn't help obtain clarity. I will stay in touch with walter and george this week but if u need to reach me email me and I will call u back. We have a jam packed schedule in puerto rico but every few hours I get to return calls. Cheers judith Sent by EPA Wireless E-Mail Services

Mary Mears

---- Original Message ----From: Mary Mears

**Sent:** 12/06/2010 05:14 PM EST

To: Judith Enck; Brendan Gilfillan; Walter Mugdan; Bonnie Bellow; Peter

Brandt; Dave Kluesner Subject: Hudson

Below is the AP story from just a few minutes ago. The quote is from me sending the statement that Brendan wrote on Friday. Not surprising and as you can see, the focus is on how much capping will be allowed.

Mary Mears Chief, Public Outreach Branch, U.S. EPA office - 212-637-3673 cell - 646-369-0077 www.epa.gov/region2

# NY worried EPA will allow caps in Hudson PCB plan

NY, environmentalists worried EPA will allow too much capping in Hudson River PCB dredge plan



Michael Hill, Associated Press, On Monday December 6, 2010, 5:03 pm

ALBANY, N.Y. (AP) -- State officials and environmentalists are concerned that the U.S. Environmental Protection contaminated Hudson River sediment to be capped rather than dredged as originally planned.

The EPA is expected to release standards as early as next Monday for the second phase of the massive PCB drebottom north of Albany. The river was contaminated years ago by two plants operated by General Electric Co., federal Superfund law.

Both the EPA and GE reiterated their commitment to the project after the concerns were publicized Monday. Criver sediment will not be used as a substitute for removing it.

Larry Levine of the Natural Resources Defense Council said there was general agreement on the need to cap roor about 10 percent of the contaminated area. But Levine said capping up to 24 percent of the contaminated area. The state Department of Environmental Conservation said in a letter dated Dec. 2 that any contaminants that cat the long-term health of the river. The agency said caps topped with a stone layer would have to be maintained, habitat.

"EPA will be heading in the wrong direction if it permits GE to leave PCB inventory in the river that can and s

Stuart Gruskin, the agency's executive deputy commissioner.

GE spokesman Mark Behan said the company has proposed a thorough standard that would rely on capping on multiple dredging attempts become unproductive, slow down work and kick up more PCBs into the river. He s proposal.

"We have not proposed to substitute capping for dredging," Behan said. "This will still be one of the largest en undertaken in the United States."

EPA spokeswoman Mary Mears said the agency fully expects GE to finish the project and is working with the does so.

"Agency officials are meeting with GE and a wide range of environmental and community groups and state and highly technical issues we have to work through to ensure the job is done right," Mears said.

A test phase of the cleanup last year revealed that PCB contamination was more concentrated in the targeted "has also kicked up PCBs into the water at a level higher than desired. The percentage of capping in the first phase was an independent panel of scientists this year called for substantive changes to standards that govern the project, of PCBs that dredgers stir up.

Dredging is scheduled to restart in the spring and could take seven years or more, though the timeframe will de After the EPA releases it standards for the second phase, GE will have a month to decide whether to accept the GE has already spent about \$561 million on the project.



#### **GE Feedback from Brackett Dennison**

Walter Mugdan, George Pavlou, Judith Enck, to: Lisa Feldt, Cynthia Giles-AA, Elliott Gilberg, Catherine McCabe, Mathy Stanislaus, Betsy

12/07/2010 07:20 PM

Brackett Dennison called today to respond to a number of questions he and I have been discussing. He made the following points:

- 1. EPA's guidance is explicit that some residual contamination is unavoidable for dredging remedies, regardless of the number of passes.
- 2. GE believes that our 10 percent metric of success erroneously assumes that the three units which were capped because of time constraints in Phase 1 would otherwise have had no capping, and therefore the calculations on which our 10 percent limit is based are overly conservative. (I said that I had a different understanding and hoped we could clear up the confusion before tomorrow's meeting).
- 3. GE calculates that overall PCB mass removal for their metric of success (18 percent) would be 97 percent, while the comparable percentage for our metric of success (10 percent) would be 98 percent.
- 4. GE believes that the increment of PCBs that would be left in the river under their approach as compared to ours would not compromise the remedy because it would not be bioavailable as a result of the capping.
- 5. Most importantly, GE believes the cost increase from reducing the metric of success from 18 percent to 10 percent would be between \$300 and \$700 million, although he stressed that this is a preliminary estimate. Brackett indicated that GE is now assuming that the total cost of the remedy (before these increases) would be around \$2B.



# GE MTG AT 10

Bob Sussman to: Georgia Bednar

Cc: Jordan Dorfman

12/07/2010 07:49 PM

georgia -- we're probably going to have a pretty large crowd for the 10 am tomorrow. Can we get a larger room than my office?



12/07/2010 08:11 PM

Bob Sussman to: Walter Mugdan

Catherine McCabe, Cynthia Giles-AA, Elliott Gilberg, George Pavlou, James Cc: Woolford, Judith Enck, Lisa Feldt, Mathy Stanislaus, "simon paul", "Betsy Southerland", "schaaf eric", Doug Garbarini

Walter unfortunately I have an appt out of the office and will be arriving right around 10. Walter Mugdan

---- Original Message -----From: Walter Mugdan

Sent: 12/07/2010 07:55 PM EST

To: Bob Sussman

Cc: Catherine McCabe; Cynthia Giles-AA; Elliott Gilberg; George Pavlou; James Woolford; Judith Enck; Lisa Feldt; Mathy Stanislaus; simon.paul@epa.gov; Betsy Southerland <southerland.elizabeth@epa.gov; schaaf.eric@epa.gov; Doug Garbarini

Subject: Re: GE Feedback from Brackett Dennison Bob.

Thanks for the information. We spent an hour this afternoon on the phone with Ann Klee, John Hagard and John Connolly, and spent another hour or more among ourselves discussing the way that GE is working the numbers. We are not persuaded that GE's approach is accurate, but see my further responses in CAPS, below.

I will be flying down on the 8 AM shuttle, and expect to arrive at EPA Headquarters tomorrow by around 9:45 -- unfortunately that would not leave much time for a pre-meeting before the 10 AM meeting with GE.

- Walter

Bob Sussman Brackett Dennison called today to respond to a n... 12/07/2010 07:20:26 PM

From: Bob Sussman/DC/USEPA/US

Walter Mugdan/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Judith To:

Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Cynthia

Giles-AA/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Catherine

McCabe/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Betsy Southerland <southerland.elizabeth@epa.gov>, simon.paul@epa.gov, James Woolford/DC/USEPA/US@EPA

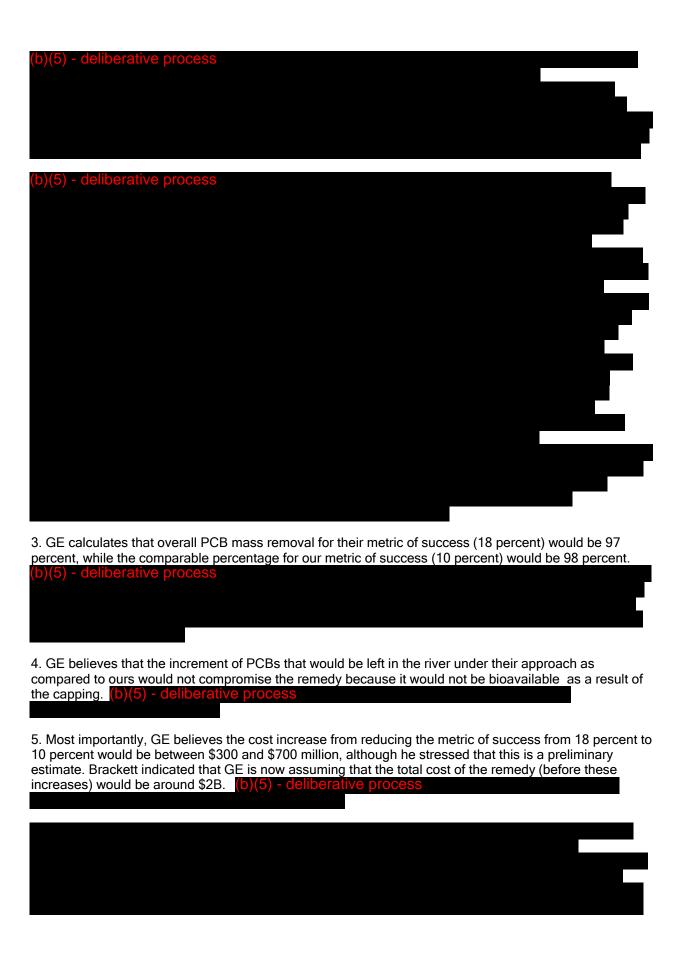
12/07/2010 07:20 PM Date:

Subject: GE Feedback from Brackett Dennison

Brackett Dennison called today to respond to a number of questions he and I have been discussing. He made the following points:

1. EPA's guidance is explicit that some residual contamination is unavoidable for dredging remedies, regardless of the number of passes. (b)(5) - deliberative proc

2. GE believes that our 10 percent metric of success erroneously assumes that the three units which were capped because of time constraints in Phase 1 would otherwise have had no capping, and therefore the calculations on which our 10 percent limit is based are overly conservative. (I said that I had a different understanding and hoped we could clear up the confusion before tomorrow's meeting).



# (b)(5) - deliberative process

Re: FYI -- Re: Hudson

Bob Sussman to: Judith Enck, Walter Mugdan 12/08/2010 06:28 AM

# (b)(5) - deliberative process

From: Judith Enck

Sent: 12/07/2010 08:53 PM EST To: Walter Mugdan; Bob Sussman Subject: Re: FYI -- Re: Hudson

# (b)(5) - deliberative process

Sent by EPA Wireless E-Mail Services

From: Walter Mugdan

Sent: 12/07/2010 08:13 PM EST

**To:** Bob Sussman; Mathy Stanislaus; Lisa Feldt; James Woolford; Elizabeth Southerland; Cynthia Giles-AA; Catherine McCabe; Elliott Gilberg; BDonohue@ENRD.USDOJ.GOV; PKautsky@ENRD.USDOJ.GOV; Judith

Enck; Pavlou.George@epa.gov

Cc: schaaf.eric@epa.gov; simon.paul@epa.gov; Doug Garbarini

Subject: FYI -- Re: Hudson

At yesterday's briefing there was some discussion about whether and under what circumstances a second dredging pass would be mandatory and when it would be discretionary. The attached document is an excerpt of the larger Engineering Performance Standard (EPS) document.



Re: GE meeting Bob Sussman to: Brendan Gilfillan Cc: Adora Andy, "Seth Oster"

12/08/2010 04:00 PM

Had a productive meeting continuing our technical discussions on the Phase 2 workplan, looking toward EPA's final decision on the plan next week.

Brendan Gilfillan

---- Original Message -----

From: Brendan Gilfillan

Sent: 12/08/2010 02:13 PM EST

To: Brendan Gilfillan

Cc: Adora Andy; Bob Sussman; Seth Oster <oster.seth@epa.gov>

Subject: Re: GE meeting

Hey -

Just making sure this is still on folks' radar. thanks

- Brendan

Brendan Gilfillan FYI - we've already been asked by WSJ for a rea... 12/08/2010 10:59:28 AM

From: Brendan Gilfillan/DC/USEPA/US

To: Seth Oster <oster.seth@epa.gov>, Bob Sussman/DC/USEPA/US@EPA

Cc: Adora Andy/DC/USEPA/US@EPA

Date: 12/08/2010 10:59 AM

Subject: GE meeting

FYI - we've already been asked by WSJ for a readout of the Immelt meeting when it's over. We should discuss when folks have a sec.

Brendan Gilfillan Press Secretary U.S. Environmental Protection Agency Office of Public Affairs 202-564-2081 gilfillan.brendan@epa.gov Re: ACTION: Meeting with NY DEC On Friday @ 5:00 PM Bob Sussman to: Heidi Ellis, Judith Enck, Mathy Stanislaus, Lisa Feldt

Cc: Lisa Plevin

12/08/2010 04:15 PM

Let's invite the same group we invited to the Immelt mtg. Heidi Ellis

---- Original Message ----- From: Heidi Ellis

**Sent:** 12/08/2010 03:31 PM EST

To: Bob Sussman; Judith Enck; Mathy Stanislaus; Lisa Feldt

Cc: Lisa Plevin

Subject: ACTION: Meeting with NY DEC On Friday @ 5:00 PM

Hi Everyone--

The Administrator is meeting with Peter Iwanowicz, Stuart Gruskin, and Kevin Farrar from NY DEC. The topic of the meeting is the Hudson River PCB cleanup. I believe you were aware that this meeting was coming, but I wanted to flag it for you all for materials and for guidance on staffing.

Since Peter is only bring 2 staffers, I want the room to be balanced. Please identify key staff for this meeting and I will invite them. Also, please let me know who will be point on the materials.

Thank you.

Heidi M. Ellis

Director of Scheduling
Office of the Administrator | US EPA

Phone: 202-564-3204 Cell: 202-355-5212 Fax: 202-501-1480 Re: GE meeting

Bob Sussman to: Brendan Gilfillan

Cc: Adora Andy, "Seth Oster"

#### (b)(5) - deliberative process

The mtg on friday is

Brendan Gilfillan

---- Original Message -----

From: Brendan Gilfillan

**Sent:** 12/08/2010 04:52 PM EST

To: Bob Sussman

Cc: Adora Andy; "Seth Oster" <oster.seth@epa.gov>

Subject: Re: GE meeting

How about this:

#### (b)(5) - deliberative process

#### Bob Sussman

---- Original Message -----

From: Bob Sussman

**Sent:** 12/08/2010 04:00 PM EST

To: Brendan Gilfillan

Cc: Adora Andy; "Seth Oster" <oster.seth@epa.gov>

Subject: Re: GE meeting

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Brendan Gilfillan

---- Original Message -----

From: Brendan Gilfillan

Sent: 12/08/2010 02:13 PM EST

To: Brendan Gilfillan

Cc: Adora Andy; Bob Sussman; Seth Oster <oster.seth@epa.gov>

Subject: Re: GE meeting

Hey -

Just making sure this is still on folks' radar. thanks

#### - Brendan

Brendan Gilfillan FYI - we've already been asked by WSJ for a rea... 12/08/2010 10:59:28 AM

From: Brendan Gilfillan/DC/USEPA/US

To: Seth Oster <oster.seth@epa.gov>, Bob Sussman/DC/USEPA/US@EPA

Cc: Adora Andy/DC/USEPA/US@EPA

Date: 12/08/2010 10:59 AM

Subject: GE meeting

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12/08/2010 06:08 PM

Brendan Gilfillan
Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2081
gilfillan.brendan@epa.gov



Re: GE meeting

Bob Sussman to: Brendan Gilfillan

Cc: Adora Andy, "Seth Oster"

Good.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Brendan Gilfillan Ok - all we're saying is this: This was a useful m... 12/08/2010 07:03:37 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA

Cc: Adora Andy/DC/USEPA/US@EPA, "Seth Oster" <oster.seth@epa.gov>

Date: 12/08/2010 07:03 PM Subject: Re: GE meeting

#### Ok - all we're saying is this:

This was a useful meeting that touched on a number of the technical issues that make this such a complex project. The Administrator will continue meeting with a range of interested parties throughout the course of the week.

Bob Sussman (b)(5) - deliberative proces

12/08/2010 06:08:40 PM

Brendan Gilfillan

---- Original Message -----

From: Brendan Gilfillan

Sent: 12/08/2010 04:52 PM EST

To: Bob Sussman

Cc: Adora Andy; "Seth Oster" <oster.seth@epa.gov>

Subject: Re: GE meeting

How about this:

#### (b)(5) - deliberative process

#### Bob Sussman

---- Original Message -----From: Bob Sussman

Sent: 12/08/2010 04:00 PM EST

To: Brendan Gilfillan

Cc: Adora Andy; "Seth Oster" <oster.seth@epa.gov>

Subject: Re: GE meeting

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Brendan Gilfillan

12/08/2010 07:06 PM

# ----- Original Message -----

From: Brendan Gilfillan

**Sent:** 12/08/2010 02:13 PM EST

To: Brendan Gilfillan

Cc: Adora Andy; Bob Sussman; Seth Oster <oster.seth@epa.gov>

Subject: Re: GE meeting

Hey -

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#### - Brendan

Brendan Gilfillan

FYI - we've already been asked by WSJ for a rea... 12/08/2010 10:59:28 AM



Re: FYI -- Re: Hudson 🗎 Bob Sussman to: Walter Mugdan Cc: Judith Enck, "George Pavlou"

12/08/2010 08:02 PM

Walter. (b)(5) - deliberative process

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Énvironmental Protection Agency

Walter Mugdan 12/08/2010 07:54:43 AM

Walter Mugdan/R2/USEPA/US From:

Judith Enck/R2/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA To:

"George Pavlou" <Pavlou.George@epa.gov> 12/08/2010 07:54 AM Cc:

Date: Subject: Re: FYI -- Re: Hudson





From: Judith Enck

Sent: 12/08/2010 06:43 AM EST To: Bob Sussman; Walter Mugdan Subject: Re: FYI -- Re: Hudson

#### (b)(5) - deliberative process

Sent by EPA Wireless E-Mail Services

From: Bob Sussman

Sent: 12/08/2010 06:28 AM EST To: Judith Enck; Walter Mugdan Subject: Re: FYI -- Re: Hudson

#### (b)(5) - deliberative process

From: Judith Enck

Sent: 12/07/2010 08:53 PM EST To: Walter Mugdan; Bob Sussman Subject: Re: FYI -- Re: Hudson

#### (b)(5) - deliberative process

Sent by EPA Wireless E-Mail Services

From: Walter Mugdan

Sent: 12/07/2010 08:13 PM EST

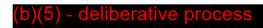
To: Bob Sussman; Mathy Stanislaus; Lisa Feldt; James Woolford; Elizabeth Southerland; Cynthia Giles-AA; Catherine McCabe; Elliott Gilberg; BDonohue@ENRD.USDOJ.GOV; PKautsky@ENRD.USDOJ.GOV; Judith

Enck; Pavlou.George@epa.gov

Cc: schaaf.eric@epa.gov; simon.paul@epa.gov; Doug Garbarini

Subject: FYI -- Re: Hudson

At yesterday's briefing there was some discussion about whether and under what circumstances a second dredging pass would be mandatory and when it would be discretionary. The attached document is an excerpt of the larger Engineering Performance Standard (EPS) document.



# Fw: Broadcast: GE Wrap Up (Dec 10 06:00 PM EST in 3309 ARN Call in number)

Bob Sussman to: Jordan Dorfman

12/09/2010 05:58 PM

# Can you get a number? Thanks.

Judith Enck

# ---- Original Message -----

From: Judith Enck

Sent: 12/09/2010 05:33 PM EST

To: Bob Sussman

Subject: Re: Broadcast: GE Wrap Up (Dec 10 06:00 PM EST in 3309 ARN Call

in number)

I need a call in number

# Sent by EPA Wireless E-Mail Services

**Bob Sussman** 

#### ---- Original Message -----

From: Bob Sussman

**Sent:** 12/09/2010 04:50 PM EST

To: Catherine McCabe; Cynthia Giles-AA; Eric Schaaf; George Pavlou; Lisa Feldt; southerland.elizabeth@epa.gov; Walter Mugdan

Cc: Ann Campbell; Colleen Flaherty; Georgia Bednar; Jordan Dorfman; Judith

Enck; KarenL Martin; Linda Huffman; Nancy Beck; Nena Shaw; Shelly Dawson; Teresa Hill; Venu Ghanta

Subject: Broadcast: GE Wrap Up (Dec 10 06:00 PM EST in 3309 ARN Call in number)



# **NYS Proposal**

Judith Enck, George Pavlou, Lisa Feldt, Walter Bob Sussman to: Mugdan, Cynthia Giles-AA, Catherine McCabe, Paul Simon, Eric Schaaf

12/10/2010 08:45 AM

Thanks to Judith and Lisa for passing along a detailed description of the proposal we are likely to get from NY at today's meeting. (b)(5) - deliberative process

In the course of the day, I'd appreciate the thoughts of OSWER and R2 on this proposal so we can give the administrator some feedback before the mtg.



Re: NYS Proposal Deb Sussman to: Cynthia Giles-AA

12/10/2010 09:26 AM

Cynthia (b)(5) - deliberative process

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Cynthia Giles-AA Bob - to discuss but ROD amendment seems to... 12/10/2010 08:48:07 AM

From: Cynthia Giles-AA/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA

Date: 12/10/2010 08:48 AM Subject: Re: NYS Proposal

# Bob - (b)(5) - deliberative process

С

Cynthia Giles
Assistant Administrator
U.S. EPA, Office of Enforcement and Compliance Assurance
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202-564-2440

THIS MESSAGE IS CONFIDENTIAL and may contain legally privileged information. If you receive it in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Bob Sussman Thanks to Judith and Lisa for passing along a det... 12/10/2010 08:45:22 AM



Re: NYS Proposal

Bob Sussman to: Walter Mugdan

Catherine McCabe, Cynthia Giles-AA, Eric Schaaf, Garbarini.Doug,

George Pavlou, Judith Enck, Lisa Feldt, Paul Simon

Walter -- can you provide, for discussion within the group, an initial take on the pros and cons of this proposal?

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 **US Environmental Protection Agency** 

I had a conversation with Stu Gruskin yesterday... 12/10/2010 09:00:12 AM Walter Mugdan

From: Walter Mugdan/R2/USEPA/US To: Bob Sussman/DC/USEPA/US@EPA

Catherine McCabe/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Eric Cc:

Schaaf/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Judith

Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA,

Garbarini.Doug@epamail.epa.gov

12/10/2010 09:00 AM Date: Subject: Re: NYS Proposal

I had a conversation with Stu Gruskin yesterday evening. My understanding is that the NYS proposal is as follows:



Bob Sussman

Thanks to Judith and Lisa for passing along a det... 12/10/2010 08:45:24 AM

12/10/2010 09:31 AM



Re: NYS Proposal

Bob Sussman to: George Pavlou

Catherine McCabe, Cynthia Giles-AA, Doug Garbarini, Eric Schaaf, Judith Enck, Lisa Feldt, Paul Simon, Walter Mugdan

12/10/2010 10:54 AM

Thanks George.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 **US Environmental Protection Agency** 

We all want as many PCBs as possible to be tak... 12/10/2010 10:44:18 AM George Pavlou

From: George Pavlou/R2/USEPA/US

To: Bob Sussman/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA

Catherine McCabe/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Eric Cc:

Schaaf/R2/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA

12/10/2010 10:44 AM Date: Re: NYS Proposal Subject:

---- Original Message -----

(b)(5) - deliberative process	
(b)(5) - deliberative process	
Sent by EPA Wireless E-Mail Services	
Bob Sussman	

From: Bob Sussman

**Sent:** 12/10/2010 09:31 AM EST

To: Walter Mugdan

Cc: Catherine McCabe; Cynthia Giles-AA; Eric Schaaf; Doug Garbarini;

George Pavlou; Judith Enck; Lisa Feldt; Paul Simon

Subject: Re: NYS Proposal

Walter -- can you provide, for discussion within the group, an initial take on the pros and cons of this

proposal?

Walter Mugdan	I had a conversation with Stu Gruskin yesterday	12/10/2010 09:00:12 AM
Bob Sussman	Thanks to Judith and Lisa for passing along a det	12/10/2010 08:45:24 AM



Fw: NYS Proposal

Bob Sussman to: Richard Windsor

12/10/2010 11:00 AM

Hi Lisa -- thanks for a warm and cozy gathering last night. Good vibes all around.

# (b)(5) - deliberative process

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 12/10/2010 10:56 AM -----

From: George Pavlou/R2/USEPA/US

To: Bob Sussman/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA

Cc: Catherine McCabe/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Eric

Schaaf/R2/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, Judith

Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA

Date: 12/10/2010 10:44 AM Subject: Re: NYS Proposal

(b)(5) - deliberative process				
	<u> </u>			
(b)(E) deliberative process				
(b)(5) - deliberative process				

Sent by EPA Wireless E-Mail Services Bob Sussman ---- Original Message -----From: Bob Sussman

Sent: 12/10/2010 09:31 AM EST

To: Walter Mugdan

Cc: Catherine McCabe; Cynthia Giles-AA; Eric Schaaf; Doug Garbarini;

George Pavlou; Judith Enck; Lisa Feldt; Paul Simon

Subject: Re: NYS Proposal

Walter -- can you provide, for discussion within the group, an initial take on the pros and cons of this

proposal?

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 **US Énvironmental Protection Agency** 

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From: Walter Mugdan/R2/USEPA/US To: Bob Sussman/DC/USEPA/US@EPA

Cc: Catherine McCabe/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Eric

Schaaf/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Judith

Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA,

Garbarini.Doug@epamail.epa.gov

Date: 12/10/2010 09:00 AM Re: NYS Proposal Subject:

I had a conversation with Stu Gruskin yesterday evening. My understanding is that the NYS proposal is as follows:



Bob Sussman

Thanks to Judith and Lisa for passing along a det... 12/10/2010 08:45:24 AM



Re: NYS Proposal Bob Sussman to: Lisa Feldt

12/10/2010 12:34 PM

Very helpful. Just listened to it.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Lisa Feldt I left you a voice mail about where OSWER is on... 12/10/2010 12:14:55 PM

From: Lisa Feldt/DC/USEPA/US

To: Bob Sussman/DC/USEPA/US@EPA

Date: 12/10/2010 12:14 PM Subject: Re: NYS Proposal

I left you a voice mail about where OSWER is on this.

Lisa Feldt

Deputy Assistant Administrator Office of Solid Waste & Emergency Response U.S. Environmental Protection Agency

Phone: (202) 566-0200: Fax: (202) 566-0207 feldt.lisa@epa.gov

Bob Sussman Thanks George. Robert M. Sussman Senior Poli... 12/10/2010 10:54:40 AM
George Pavlou
Bob Sussman 12/10/2010 10:44:18 AM

---- Original Message ----From: Bob Sussman

Sent: 12/10/2010 09:31 AM EST

To: Walter Mugdan

Cc: Catherine McCabe; Cynthia Giles-AA; Eric Schaaf; Doug Garbarini;

George Pavlou; Judith Enck; Lisa Feldt; Paul Simon

Subject: Re: NYS Proposal

Walter -- can you provide, for discussion within the group, an initial take on the pros and cons of this

proposal?

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Walter Mugdan
I had a conversation with Stu Gruskin yesterday...

12/10/2010 09:00:12 AM
Bob Sussman
Thanks to Judith and Lisa for passing along a det...
12/10/2010 08:45:24 AM



Re: GE Hudson rollout Bob Sussman to: Brendan Gilfillan Cc: Seth Oster

12/10/2010 12:44 PM

Brendan -- we should discuss whether the RA should be the principal messenger on this.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Brendan Gilfillan All - Not sure to what extent you're involved in th... 12/10/2010 11:04:11 AM

From: Brendan Gilfillan/DC/USEPA/US

To: David McIntosh/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Stephanie

Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Arvin

Ganesan/DC/USEPA/US@EPA

Cc: Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA

Date: 12/10/2010 11:04 AM Subject: GE Hudson rollout

#### All -

Not sure to what extent you're involved in this but wanted to send around the rollout strategy the region put together for the announcement on GE and the Hudson. Dates are obviously still up in the air but we're operating under the assumption that we would be giving the final technical documents to GE the night before any announcement, as you'll see.

The region is working on materials and will have something to us later today. I will share them as soon as I've had a look.

Thanks.

[attachment "12-10 hudson rollout.docx" deleted by Bob Sussman/DC/USEPA/US]

Brendan Gilfillan Press Secretary U.S. Environmental Protection Agency Office of Public Affairs 202-564-2081 gilfillan.brendan@epa.gov we should plan to talk over the weekend. What's the best way to reach you?



Re: Broadcast: GE Wrap Up (Dec 10 06:00 PM EST in 3309 ARN Call in

number) 📔

Bob Sussman to: Judith Enck 12/10/2010 02:30 PM

Sent by: Jordan Dorfman

Judith - The call in # is: (b) (6)

Jordan

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 **US Environmental Protection Agency** 

Judith Enck I need a call in number Sent by EPA Wireless E-... 12/09/2010 05:33:38 PM

Judith Enck/R2/USEPA/US From:

Bob Sussman/DC/USEPA/US@EPA To:

12/09/2010 05:33 PM Date:

Re: Broadcast: GE Wrap Up (Dec 10 06:00 PM EST in 3309 ARN Call in number) Subject:

I need a call in number Sent by EPA Wireless E-Mail Services

#### **Bob Sussman**

---- Original Message -----From: Bob Sussman

**Sent:** 12/09/2010 04:50 PM EST

To: Catherine McCabe; Cynthia Giles-AA; Eric Schaaf; George Pavlou; Lisa

Feldt; southerland.elizabeth@epa.gov; Walter Mugdan

Cc: Ann Campbell; Colleen Flaherty; Georgia Bednar; Jordan Dorfman; Judith

Enck; KarenL Martin; Linda Huffman; Nancy Beck; Nena Shaw; Shelly Dawson;

Teresa Hill; Venu Ghanta

Subject: Broadcast: GE Wrap Up (Dec 10 06:00 PM EST in 3309 ARN Call in

number)

Bob Sussman to: Denniston, Brackett (GE, Corporate)

12/11/2010 12:54 PM

Thanks Brackett. My cell is (b) (6) or try e-mail if you want to catch up. It looks like Ann and Walter will be talking abt a range of issues.

---- Original Message ----

From: "Denniston, Brackett (GE, Corporate)" [brackett.denniston@ge.com]

Sent: 12/10/2010 01:09 PM EST

To: Bob Sussman

Subject: RE: This weekend

Bob,

(b) (6)

Best way to reach me is via cell since I will be travelling. Email also fine, and I can try to call you back.

Brackett

----Original Message----

From: Sussman.Bob@epamail.epa.gov [mailto:Sussman.Bob@epamail.epa.gov]

Sent: Friday, December 10, 2010 1:00 PM
To: Denniston, Brackett (GE, Corporate)

Subject: This weekend

we should plan to talk over the weekend. What's the best way to reach you?

Robert M. Sussman

Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397

US Environmental Protection Agency



Re: Hudson/GE release 🗎 Bob Sussman to: Brendan Gilfillan

Cc: Brendan Gilfillan

Good. Happy to provide my feedback.

Brendan Gilfillan Just got off the phone w Seth who downloaded t... 12/11/2010 01:17:24 PM

12/11/2010 01:48 PM

From: Brendan Gilfillan/DC/USEPA/US

To: Brendan Gilfillan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA

Date: 12/11/2010 01:17 PM Subject: Re: Hudson/GE release

Just got off the phone w Seth who downloaded today's call - I'm gng to take a whole different crack at this and circulate to you tomorrow am.

#### Brendan Gilfillan

---- Original Message -----

From: Brendan Gilfillan

Sent: 12/10/2010 03:43 PM EST

To: Bob Sussman

Subject: Hudson/GE release

Hey Bob -

Region drafted this - I'm not quite well-versed enough in this to know whether it's accurate, but it does seem very long. Would be interested in your take on it.

Thanks:

#### DRAFT - DRAFT - DRAFT

# Predecisional Document for Internal Review - Do Not Release

# (b)(5) - deliberative process

Contact: David Kluesner (212) 637-3653, kluesner.dave@epa.gov

(New York, NY -- ????) (b)(5) - deliberative process





Information about the Hudson River PCBs Superfund Site can be found at: <a href="http://www.epa.gov/hudson">http://www.epa.gov/hudson</a>. Residents with questions are encouraged to contact EPA Community Involvement Coordinator David Kluesner at (212) 637-3653, <a href="mailto:kluesner.dave@epa.gov">kluesner.dave@epa.gov</a>.

Re: Update 🗎

waltermugdan, Lisa Feldt, Catherine McCabe, Elizabeth to: Southerland, James Woolford, Eric Schaaf, Paul Simon, Doug Garbarini, enck, George Pavlou

12/11/2010 05:49 PM

I just heard from Brackett. Because I was tied up, I arranged to talk to him at 9:30 am. Let me know if you have any thoughts on what to say. I plan to pose the question to him that Walter posed to Ann.

From: waltermugdan

Sent: 12/11/2010 02:06 PM EST

To: Bob Sussman; Lisa Feldt; Catherine McCabe; Elizabeth Southerland; James Woolford; Eric Schaaf; Paul

Simon; Doug Garbarini; enck@(b) (6); George Pavlou

Subject: Update

I just got finished speaking with Ann Klee and John Haggard. I shared with them our current views on how to look at, or analyze, the Capping Metric of Success. They agreed that the chart, as we have laid it out (updated draft attached for those who have not yet received the new version) was a useful way to display the data. They may disagree with some of the specific numbers in the chart, but the differences that such quibbles would make are likely to be relatively minor.

#### b)(5) - deliberative process

I have a conference call scheduled with GE for 9 am tomorrow, and expect to get some feedback then.

## Re: What time is today's follow-up mtg with GE? Bob Sussman to: Seth Oster

12/12/2010 09:53 AM

7:00 pm. Same call-in as yesterday. Seth Oster

---- Original Message -----From: Seth Oster

**Sent:** 12/12/2010 09:39 AM EST

To: Bob Sussman

Subject: What time is today's follow-up mtg with GE?

Re: Update 🗎

waltermugdan, Lisa Feldt, Catherine McCabe, Elizabeth Bob Sussman to: Southerland, James Woolford, Eric Schaaf, Paul Simon, Doug Garbarini, enck, George Pavlou, Seth Oster,

12/12/2010 10:06 AM

Walter. Spoke to Brackett. (b)(5) - deliberative process

We agreed to talk again mid-afternoon after he is debriefed on your concersation with Ann.

He said that a couple more days would be helpful to everyone -- I said that we wouldn't be announcing on Monday but may be on Tuesday. He said GE would not respond to our announcement definitively whatever it is but will have a reaction depending on where we come out on capping.

From: waltermugdan

Sent: 12/11/2010 07:56 PM EST

To: Bob Sussman; Lisa Feldt; Catherine McCabe; Elizabeth Southerland; James Woolford; Eric Schaaf; Paul

Simon; Doug Garbarini; enck@a(b) (6); George Pavlou

Subject: Re: Update

As previously mentioned, I will be speaking with GE at 9 am tomorrow. (b)(5) - deliberative pr

Other issues are also planned for this call, so I don't know whether I'll be able to give you some feedback before your 9:30 call, but will try.





----Original Message----

From: Sussman.Bob <Sussman.Bob@epamail.epa.gov>

To: waltermugdan <waltermugdan(b) (6) >; Feldt.Lisa <Feldt.Lisa@epamail.epa.gov>;

McCabe.Catherine < McCabe.Catherine@epamail.epa.gov>; Southerland.Elizabeth

<Southerland.Elizabeth@epamail.epa.gov>; Woolford.James <Woolford.James@epamail.epa.gov>;

Schaaf.Eric <Schaaf.Eric@epamail.epa.gov>; Simon.Paul <Simon.Paul@epamail.epa.gov>;

Garbarini.Doug <Garbarini.Doug@epamail.epa.gov>; enck <enck@(b) (6) ; Pavlou.George

<Pavlou.George@epamail.epa.gov>

Sent: Sat, Dec 11, 2010 5:49 pm

Subject: Re: Update

I just heard from Brackett. Because I was tied up, I arranged to talk to him at 9:30 am. Let me know if you have any thoughts on what to say. I plan to pose the question to him that Walter posed to Ann.

From: waltermugdan

Sent: 12/11/2010 02:06 PM EST

To: Bob Sussman; Lisa Feldt; Catherine McCabe; Elizabeth Southerland; James Woolford; Eric Schaaf;

Paul Simon; Doug Garbarini; enck(b) (6); George Pavlou

Subject: Update

I just got finished speaking with Ann Klee and John Haggard. I shared with them our current views on how to look at, or analyze, the Capping Metric of Success. They agreed that the chart, as we have laid it out (updated draft attached for those who have not yet received the new version) was a useful way to display the data. They may disagree with some of the specific numbers in the chart, but the differences that such quibbles would make are likely to be relatively minor.

#### (b)(5) - deliberative process

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#### Re: Update from GE Discussion on Dec . 12 AM 🗎

Walter Mugdan, Lisa Feldt, James Woolford, Elizabeth

Bob Sussman to: Southerland, Catherine McCabe, Elliott Gilberg,

BDonohue, PKautsky, Judith Enck, Pavlou George, Doug

12/12/2010 10:33 AM

Very consistent with my discussion with Brackett. (See my e-mail). Since I am talking to him again later, further feedback from your team on the difference in methology would be helpful.

#### (b)(5) - deliberative process

From: Walter Mugdan

**Sent:** 12/12/2010 10:09 AM EST

**To:** Bob Sussman; Lisa Feldt; James Woolford; Elizabeth Southerland; Catherine McCabe; Elliott Gilberg; BDonohue@ENRD.USDOJ.GOV; PKautsky@ENRD.USDOJ.GOV; Judith Enck; Pavlou.George@epa.gov; Doug

Garbarini; king.david@epa.gov; schaaf.eric@epa.gov; simon.paul@epa.gov

Subject: Update from GE Discussion on Dec. 12 AM

We just got off a call with GE.

(b)(5) - deliberative process	
(b)(5) - deliberative process	

#### (b)(5) - deliberative process

- Walter

Re: Update from GE Discussion on Dec . 12 AM 🗎

Walter Mugdan, Judith Enck, Lisa Feldt, James Woolford,

Bob Sussman to: Elizabeth Southerland, Catherine McCabe, Elliott Gilberg, Brian Donohue, Peter Kautsky, George Pavlou, Doug

12/12/2010 12:57 PM

#### (b)(5) - deliberative process

From: Walter Mugdan

Sent: 12/12/2010 12:55 PM EST

To: Judith Enck; Bob Sussman; Lisa Feldt; James Woolford; Elizabeth Southerland; Catherine McCabe; Elliott Gilberg; "Brian Donohue" <BDonohue@ENRD.USDOJ.GOV>; "Peter Kautsky"

<PKautsky@ENRD.USDOJ.GOV>; "George Pavlou" <Pavlou.George@epa.gov>; Doug Garbarini; "David King" <king.david@epa.gov>; "Eric Schaaf" <schaaf.eric@epa.gov>; "Paul Simon" <simon.paul@epa.gov>; Seth Oster; Brendan Gilfillan

Subject: Re: Update from GE Discussion on Dec. 12 AM

Right.

Sent by EPA Wireless E-Mail Services

From: Judith Enck

Sent: 12/12/2010 11:27 AM EST

To: Walter Mugdan; Bob Sussman; Lisa Feldt; James Woolford; Elizabeth Southerland; Catherine McCabe; Elliott Gilberg; "Brian Donohue" <BDonohue@ENRD.USDOJ.GOV>; "Peter Kautsky"

<PKautsky@ENRD.USDOJ.GOV>; "George Pavlou" <Pavlou.George@epa.gov>; Doug Garbarini; "David King" <king.david@epa.gov>; "Eric Schaaf" <schaaf.eric@epa.gov>; "Paul Simon" <simon.paul@epa.gov>; Seth Oster; Brendan Gilfillan

Subject: Re: Update from GE Discussion on Dec. 12 AM

So it will clearly be in writing and will be included in any agreement and any order. Right? Sent by EPA Wireless E-Mail Services

From: Walter Mugdan

Sent: 12/12/2010 11:19 AM EST

To: Judith Enck; Bob Sussman; Lisa Feldt; James Woolford; Elizabeth Southerland; Catherine McCabe; Elliott Gilberg; "Brian Donohue" <BDonohue@ENRD.USDOJ.GOV>; "Peter Kautsky"

<PKautsky@ENRD.USDOJ.GOV>; "George Pavlou" <Pavlou.George@epa.gov>; Doug Garbarini; "David King" <king.david@epa.gov>; "Eric Schaaf" <schaaf.eric@epa.gov>; "Paul Simon" <simon.paul@epa.gov>; Seth Oster; Brendan Gilfillan

Subject: Re: Update from GE Discussion on Dec. 12 AM

#### (b)(5) - deliberative process

Sent by EPA Wireless E-Mail Services

From: Judith Enck

Sent: 12/12/2010 10:50 AM EST

To: Bob Sussman; Walter Mugdan; Lisa Feldt; James Woolford; Elizabeth Southerland; Catherine McCabe; Elliott Gilberg; "BDonohue" <BDonohue@ENRD.USDOJ.GOV>; "PKautsky" <PKautsky@ENRD.USDOJ.GOV>; "Pavlou George" <Pavlou.George@epa.gov>; Doug Garbarini; "king david" <king.david@epa.gov>; "schaaf eric" <schaaf.eric@epa.gov>; "simon paul" <simon.paul@epa.gov>; Seth Oster; Brendan Gilfillan

Subject: Re: Update from GE Discussion on Dec. 12 AM

#### (b)(5) - deliberative process

Sent by EPA Wireless E-Mail Services

From: Bob Sussman

Sent: 12/12/2010 10:33 AM EST

To: Walter Mugdan; Lisa Feldt; James Woolford; Elizabeth Southerland; Catherine McCabe; Elliott Gilberg; "BDonohue" <BDonohue@ENRD.USDOJ.GOV>; "PKautsky" <PKautsky@ENRD.USDOJ.GOV>; Judith Enck; "Pavlou George" <Pavlou.George@epa.gov>; Doug Garbarini; "king david" <king.david@epa.gov>; "schaaf eric" <schaaf.eric@epa.gov>; "simon paul" <simon.paul@epa.gov>; Seth Oster; Brendan Gilfillan

Subject: Re: Update from GE Discussion on Dec. 12 AM

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Sent: 12/12/2010 10:09 AM EST

To: Bob Sussman; Lisa Feldt; James Woolford; Elizabeth Southerland; Catherine McCabe; Elliott Gilberg; BDonohue@ENRD.USDOJ.GOV; PKautsky@ENRD.USDOJ.GOV; Judith Enck; Pavlou.George@epa.gov; Doug

Garbarini; king.david@epa.gov; schaaf.eric@epa.gov; simon.paul@epa.gov

Subject: Update from GE Discussion on Dec. 12 AM

We just got off a call with GE.



#### (b)(5) - deliberative process

- Walter

#### Re: Update from GE Discussion on Dec . 12 AM 🗎

Bob Sussman to: Walter Mugdan

12/12/2010 04:12 PM

"Brian Donohue", Brendan Gilfillan, Catherine McCabe, Doug Garbarini, Elizabeth Cc: Southerland, Elliott Gilberg, James Woolford, Judith Enck, "David King", Lisa Feldt, "George Pavlou", "Peter Kautsky", "Eric Schaaf", Seth Oster, "Paul Simon"

#### (b)(5) - deliberative process

#### Walter Mugdan

---- Original Message -----From: Walter Mugdan

Sent: 12/12/2010 01:50 PM EST

To: Bob Sussman

Cc: "Brian Donohue" <BDonohue@ENRD.USDOJ.GOV>; Brendan Gilfillan; Catherine McCabe; Doug Garbarini; Elizabeth Southerland; Elliott Gilberg; James Woolford; Judith Enck; "David King" <king.david@epa.gov>; Lisa Feldt; "George Pavlou" <Pavlou.George@epa.gov>; "Peter Kautsky"

<PKautsky@ENRD.USDOJ.GOV>; "Eric Schaaf" <schaaf.eric@epa.gov>; Seth Oster;

"Paul Simon" <simon.paul@epa.gov>

Subject: Re: Update from GE Discussion on Dec. 12 AM

#### (b)(5) - deliberative proc

Bob Sussman

12/12/2010 12:57:58 PM

From: Bob Sussman/DC/USEPA/US

Walter Mugdan/R2/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Lisa To:

Feldt/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Elizabeth Southerland/DC/USEPA/US@EPA, Catherine McCabe/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, "Brian Donohue" <BDonohue@ENRD.USDOJ.GOV>, "Peter Kautsky" < PKautsky@ENRD.USDOJ.GOV>, "George Pavlou" < Pavlou.George@epa.gov>, Doug

d...

Garbarini/R2/USEPA/US@EPA, "David King" <king.david@epa.gov>, "Eric Schaaf"

<schaaf.eric@epa.gov>, "Paul Simon" <simon.paul@epa.gov>, Seth Oster/DC/USEPA/US@EPA,

Brendan Gilfillan/DC/USEPA/US@EPA

12/12/2010 12:57 PM Date:

Subject: Re: Update from GE Discussion on Dec. 12 AM

#### Walter. (b)(5) - deliberative process

From: Walter Mugdan

Sent: 12/12/2010 12:55 PM EST

To: Judith Enck; Bob Sussman; Lisa Feldt; James Woolford; Elizabeth Southerland; Catherine McCabe; Elliott

Gilberg; "Brian Donohue" <BDonohue@ENRD.USDOJ.GOV>; "Peter Kautsky"

<PKautsky@ENRD.USDOJ.GOV>; "George Pavlou" <Pavlou.George@epa.gov>; Doug Garbarini; "David King" <king.david@epa.gov>; "Eric Schaaf" <schaaf.eric@epa.gov>; "Paul Simon" <simon.paul@epa.gov>; Seth Oster;

Brendan Gilfillan

Subject: Re: Update from GE Discussion on Dec. 12 AM

Right.

Sent by EPA Wireless E-Mail Services

From: Judith Enck

Sent: 12/12/2010 11:27 AM EST

To: Walter Mugdan; Bob Sussman; Lisa Feldt; James Woolford; Elizabeth Southerland; Catherine McCabe; Elliott Gilberg; "Brian Donohue" <BDonohue@ENRD.USDOJ.GOV>; "Peter Kautsky"

<PKautsky@ENRD.USDOJ.GOV>; "George Pavlou" <Pavlou.George@epa.gov>; Doug Garbarini; "David King" <king.david@epa.gov>; "Eric Schaaf" <schaaf.eric@epa.gov>; "Paul Simon" <simon.paul@epa.gov>; Seth Oster; Brendan Gilfillan

Subject: Re: Update from GE Discussion on Dec. 12 AM

So it will clearly be in writing and will be included in any agreement and any order. Right? Sent by EPA Wireless E-Mail Services

From: Walter Mugdan

Sent: 12/12/2010 11:19 AM EST

To: Judith Enck; Bob Sussman; Lisa Feldt; James Woolford; Elizabeth Southerland; Catherine McCabe; Elliott Gilberg; "Brian Donohue" <BDonohue@ENRD.USDOJ.GOV>; "Peter Kautsky"

<PKautsky@ENRD.USDOJ.GOV>; "George Pavlou" <Pavlou.George@epa.gov>; Doug Garbarini; "David King" <king.david@epa.gov>; "Eric Schaaf" <schaaf.eric@epa.gov>; "Paul Simon" <simon.paul@epa.gov>; Seth Oster; Brendan Gilfillan

Subject: Re: Update from GE Discussion on Dec. 12 AM

#### (b)(5) - deliberative process

Sent by EPA Wireless E-Mail Services

From: Judith Enck

Sent: 12/12/2010 10:50 AM EST

To: Bob Sussman; Walter Mugdan; Lisa Feldt; James Woolford; Elizabeth Southerland; Catherine McCabe; Elliott Gilberg; "BDonohue" <BDonohue@ENRD.USDOJ.GOV>; "PKautsky" <PKautsky@ENRD.USDOJ.GOV>; "Pavlou George" <Pavlou.George@epa.gov>; Doug Garbarini; "king david" <king.david@epa.gov>; "schaaf eric" <schaaf.eric@epa.gov>; "simon paul" <simon.paul@epa.gov>; Seth Oster; Brendan Gilfillan

Subject: Re: Update from GE Discussion on Dec. 12 AM

#### (b)(5) - deliberative process

Sent by EPA Wireless E-Mail Services

From: Bob Sussman

Sent: 12/12/2010 10:33 AM EST

To: Walter Mugdan; Lisa Feldt; James Woolford; Elizabeth Southerland; Catherine McCabe; Elliott Gilberg; "BDonohue" <BDonohue@ENRD.USDOJ.GOV>; "PKautsky" <PKautsky@ENRD.USDOJ.GOV>; Judith Enck; "Pavlou George" <Pavlou.George@epa.gov>; Doug Garbarini; "king david" <king.david@epa.gov>; "schaaf eric" <schaaf.eric@epa.gov>; "simon paul" <simon.paul@epa.gov>; Seth Oster; Brendan Gilfillan

Subject: Re: Update from GE Discussion on Dec. 12 AM

Very consistent with my discussion with Brackett. (See my e-mail). Since I am talking to him again later, further feedback from your team on the difference in methology would be helpful.

#### (b)(5) - deliberative process

From: Walter Mugdan

Sent: 12/12/2010 10:09 AM EST

**To:** Bob Sussman; Lisa Feldt; James Woolford; Elizabeth Southerland; Catherine McCabe; Elliott Gilberg; BDonohue@ENRD.USDOJ.GOV; PKautsky@ENRD.USDOJ.GOV; Judith Enck; Pavlou.George@epa.gov; Doug

Garbarini; king.david@epa.gov; schaaf.eric@epa.gov; simon.paul@epa.gov

Subject: Update from GE Discussion on Dec. 12 AM

We just got off a call with GE.

(b)(5) - deliberative process	
[NOTE: Ann asserted that getting any lower than 3% for Y is extremely doubtful. (b)(5) - deliberative process	My technical team has
(b)(5) - deliberative process	
-	

### (b)(5) - deliberative process

- Walter



Re: Update from GE Discussion on Dec . 12 AM 🗎

Bob Sussman to: Walter Mugdan

"Brian Donohue", Brendan Gilfillan, Catherine McCabe, Doug Cc: Garbarini, Elizabeth Southerland, Elliott Gilberg, James Woolford,

Judith Enck, "David King", Lisa Feldt, "George Pavlou", "Peter

Walter -- Brackett just called. (b)(5) - deliberative process

Walter Mugdan I have several concerns about this. Even if Brac... 12/12/2010 01:50:37 PM

From: Walter Mugdan/R2/USEPA/US Bob Sussman/DC/USEPA/US@EPA To:

Cc: "Brian Donohue" <BDonohue@ENRD.USDOJ.GOV>, Brendan Gilfillan/DC/USEPA/US@EPA,

Catherine McCabe/DC/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, Elizabeth

Southerland/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, "David King" <king.david@epa.gov>, Lisa Feldt/DC/USEPA/US@EPA, "George Pavlou"

<Pavlou.George@epa.gov>, "Peter Kautsky" <PKautsky@ENRD.USDOJ.GOV>, "Eric Schaaf" <schaaf.eric@epa.gov>, Seth Oster/DC/USEPA/US@EPA, "Paul Simon" <simon.paul@epa.gov>

12/12/2010 01:50 PM Date:

Subject: Re: Update from GE Discussion on Dec. 12 AM



**Bob Sussman** 

Walter. (b)(5) - deliberative proces

12/12/2010 12:57:58 PM

12/12/2010 04:48 PM



Re: Update from GE Discussion on Dec . 12 AM

Bob Sussman to: Bob Sussman

12/12/2010 04:53 PM

"Brian Donohue", Brendan Gilfillan, Catherine McCabe, Doug Cc: Garbarini, Elizabeth Southerland, Elliott Gilberg, James Woolford, Judith Enck, "David King", Lisa Feldt, "George Pavlou", "Peter

#### (b)(5) - deliberative process

Bob Sussman Walter -- Brackett just called. He is waiting to hea... 12/12/2010 04:48:43 PM

From: Bob Sussman/DC/USEPA/US

To: Walter Mugdan/R2/USEPA/US@EPA

Cc: "Brian Donohue" <BDonohue@ENRD.USDOJ.GOV>, Brendan Gilfillan/DC/USEPA/US@EPA, Catherine McCabe/DC/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, Elizabeth

Southerland/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, "David King" <king.david@epa.gov>, Lisa Feldt/DC/USEPA/US@EPA, "George Pavlou"

<Pavlou.George@epa.gov>, "Peter Kautsky" <PKautsky@ENRD.USDOJ.GOV>, "Eric Schaaf" <schaaf.eric@epa.gov>, Seth Oster/DC/USEPA/US@EPA, "Paul Simon" <simon.paul@epa.gov>

Date: 12/12/2010 04:48 PM

Subject: Re: Update from GE Discussion on Dec. 12 AM

Walter -- Brackett just called. (b)(5) - deliberative process

Walter Mugdan Bob Sussman I have several concerns about this. Even if Brac...

12/12/2010 01:50:37 PM 12/12/2010 12:57:58 PM

Walter. (b)(5) - deliberative process



#### Fw: Todays poughkeepsie journal editorial

Bob Sussman to: Richard Windsor

12/12/2010 05:29 PM

----- Forwarded by Bob Sussman/DC/USEPA/US on 12/12/2010 05:29 PM -----

From: Judith Enck/R2/USEPA/US

To: "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Walter Mugdan"

<Mugdan.Walter@epamail.epa.gov>, "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>,

oster.seth@epa.gov, "George Pavlou" <Pavlou.George@epamail.epa.gov>

Date: 12/12/2010 11:29 AM

Subject: Todays poughkeepsie journal editorial

Sent by EPA Wireless E-Mail Services

From: Enckj

Sent: 12/12/2010 11:24 AM EST

To: Judith Enck Subject: (no subject)

# Editorial - Get the pollution out of the river, please

When it comes to cleaning up pollutants in the mighty Hudson River, the public has every reason to hold both the federal Environmental Protection Agency and General Electric to exceedingly high standards. And, in the case of the EPA, they should hold the agency to its word, as reflected in the above quote.

Yet, there is a danger the EPA could actually broaden the chance for more contaminated Hudson River sediment to be capped and left in the river instead of being dredged and taken out of the water as originally planned.

The agency should back off this risky, shortsighted notion.

The agency is expected to release standards as early as Monday for the second phase of this critically important project to clean the river of PCBs, or polychlorinated biphenyls, that General Electric dumped into the river from two plants before the toxic chemicals were banned in 1977 as a threat to people and wildlife.

General Electric is doing the cleanup under the federal Superfund law, but has needed to be pushed and prodded many times along the way. Both the EPA and GE are downplaying concerns raised by both state officials and environmental groups that capping will replace dredging in too many instances along the river. Sure, limited capping can be justified when attempts to remove PCBs in hard-to-dredge places are unproductive. But both the state and environmental groups have rightly maintained the standard must be exacting.

#### Capping is not an alternative

The state Department of Environmental Conservation is being splendidly clear on this issue. The DEC

notes the stone layer used on the top of a cap is no substitute to a natural river bottom. It further points to the EPA's own exhaustive studies before the project commenced that resoundingly rejected capping as a viable alternative to dredging.

"We do not believe that GE's desire to save money is an appropriate basis" to leave PCBs in the river, Deputy DEC Commissioner Stuart Gruskin recently wrote to the EPA.

It's worth recalling that, in 2005, the EPA went to great lengths to allay the fears about "over capping," as raised in a memo by an official with the National Oceanic and Atmospheric Administration. That memo suggested that any possible capping could be washed away in a storm and re-contaminate the river and that, either way, such a strategy wouldn't restore the river to a more natural state. What's more, at times, even the EPA has acknowledged that excessive capping could prove problematic since GE would have to regularly inspect and monitor the capped sites.

(2 of 2)

It's far better to remove the offending material once and for all. Aside from affirming this standard, the EPA must ensure GE goes forward with the second and much bigger part of the Hudson River cleanup project, following the results of the first phase that began in 2009.

Under the test phase, crews managed to dredge only 10 of 18 pollution "hot spots" over a six-mile radius, so an independent review panel has called for substantive changes to the standards that govern the dredging project. The idea, in part, is to limit the amount of contaminants getting kicked up in the process. Yet, in no way did the panel suggest GE delay agreeing to the next phase, which would include about a 45-mile stretch of river north of Albany and could cost about \$750 million.

GE already has spent about \$560 million on the project — much of it on the massive infrastructure, including extending a rail line and building a dewatering facility where the dredged materials are initially deposited. Getting the project this far along and then failing to make every conceivable effort to execute it as envisioned would be dazzlingly stupid.

EPA's main goal shouldn't change: Get the pollution out of the river.



## standing by for 7::00 GE call Bob Sussman to: Richard Windsor Cc: Heidi Ellis, Aaron Dickerson, Diane Thompson

12/12/2010 07:07 PM

we need a leader pin to open the line.

Bob Sussman to: Heidi Ellis 12/12/2010 07:47 PM

#### Thanks!

Heidi Ellis

## ---- Original Message ----- From: Heidi Ellis

Sent: 12/12/2010 07:37 PM EST
To: Bob Sussman; Richard Windsor
Cc: Aaron Dickerson; Diane Thompson

Subject: Re: standing by for 7::00 GE call

I opened it. Bob Sussman

#### ---- Original Message -----

From: Bob Sussman

**Sent:** 12/12/2010 07:07 PM EST

To: Richard Windsor

Cc: Heidi Ellis; Aaron Dickerson; Diane Thompson

Subject: standing by for 7::00 GE call

we need a leader pin to open the line.



Re: Fw: hudson release Bob Sussman to: Brendan Gilfillan Cc: "Seth Oster"

12/12/2010 08:13 PM

Brendan -- I think we need more on the capping decision. How about this (taken from the earlier draft but shortened)?



Brendan Gilfillan Bob - Below is a different take on the Hudson rel... 12/12/2010 06:17:45 PM

From: Brendan Gilfillan/DC/USEPA/US

"Bob Sussman" <Sussman.Bob@epamail.epa.gov> To: Cc: "Seth Oster" <Oster.Seth@epamail.epa.gov>

Date: 12/12/2010 06:17 PM Subject: Fw: hudson release

#### Bob -

Below is a different take on the Hudson release. It has a lot less detail than the other versions you've seen - our thought is that much of the technical information should probably be conveyed in the fact sheet, rather than a release, which should be more focused on delivering our messaging.

#### - Brendan

From: Brendan Gilfillan (6)

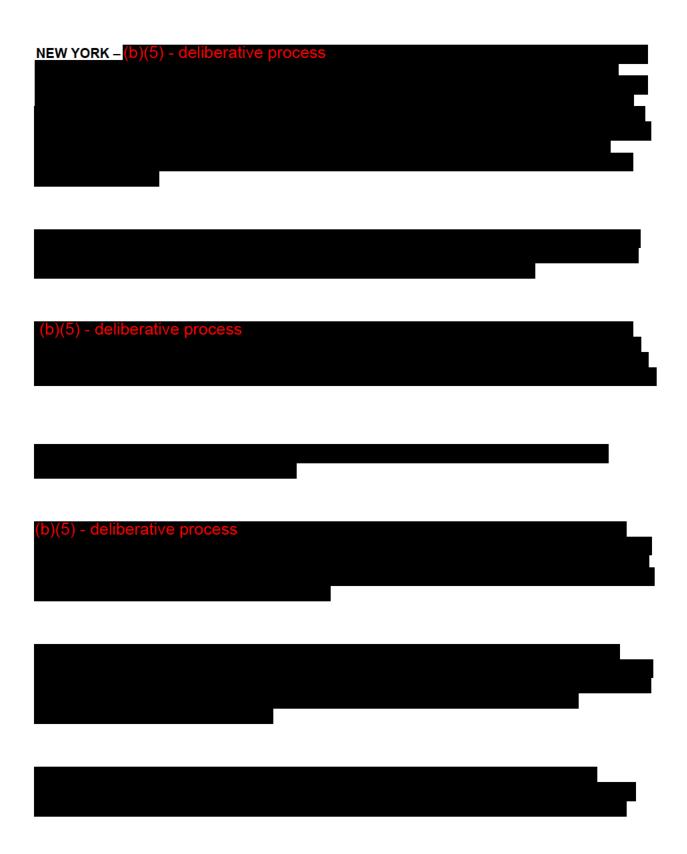
Sent: 12/12/2010 06:15 PM EST

To: Brendan Gilfillan Subject: hudson release

DRAFT - DRAFT - DRAFT

## (b)(5) - deliberative process

## **Hudson River PCB Cleanup**



using government funds.

The documents issued by EPA today and other information about the Hudson River PCBs Superfund Site can be found at: <a href="http://www.epa.gov/hudson">http://www.epa.gov/hudson</a>. Residents with questions are encouraged to contact EPA Community Involvement Coordinator David Kluesner at (212) 637-3653, <a href="mailto:kluesner.dave@epa.gov">kluesner.dave@epa.gov</a>.



Fw: Hudson fact sheet and q and a

**Bob Sussman** to: Georgia Bednar Sent by: **Jordan Dorfman** 

12/13/2010 12:22 PM

Georgia - Can you print these out for Bob to review? Thanks. - Jordan

----Forwarded by Jordan Dorfman/DC/USEPA/US on 12/13/2010 12:21PM -----

To: Bob Sussman/DC/USEPA/US@EPA From: Brendan Gilfillan/DC/USEPA/US

Date: 12/13/2010 11:21AM

Subject: Hudson fact sheet and q and a

I've taken a crack at making the fact sheet look more like a fact sheet. Also attached the q and a for your review. Thanks.

(See attached file: Hudson fact sheet\_BG edits.doc) (See attached file: Questions and Answers for Hudson Phase 2 announcement 12 10.docx)

Brendan Gilfillan
Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2081
gilfillan.brendan@epa.gov



Hudson fact sheet\_BG edits.doc



Questions and Answers for Hudson Phase 2 announcement 12 10.docx

Re: Decision on GE? Bob Sussman to: Seth Oster

12/13/2010 02:02 PM

Haven't heard. Seth Oster

---- Original Message -----

From: Seth Oster

**Sent:** 12/13/2010 12:05 PM EST

To: Bob Sussman

Subject: Decision on GE?

Seth Oster Associate Administrator Office of External Affairs and Environmental Education Environmental Protection Agency (202) 564-1918 oster.seth@epa.gov

12/13/2010 02:08 PM

Re: Decision on GE? Bob Sussman to: Seth Oster

Believe me - I'm on it. Seth Oster

---- Original Message ----- From: Seth Oster

**Sent:** 12/13/2010 02:05 PM EST

To: Bob Sussman

Subject: Re: Decision on GE?

#### (b)(5) - deliberative process

#### Seth

**Bob Sussman** 

---- Original Message ----From: Bob Sussman

Sent: 12/13/2010 02:02 PM EST

To: Seth Oster

Subject: Re: Decision on GE?

Haven't heard. Seth Oster

---- Original Message ----From: Seth Oster

**Sent:** 12/13/2010 12:05 PM EST

To: Bob Sussman

Subject: Decision on GE?

Seth Oster Associate Administrator Office of External Affairs and Environmental Education Environmental Protection Agency (202) 564-1918 oster.seth@epa.gov Re: Hudson Update 🗎

Walter Mugdan, Lisa Feldt, Catherine McCabe, Judith to: Enck, Pavlou George, schaaf eric, simon paul, Doug

Garbarini

Cc: "Seth Oster"

I have some guidance from the Administrator and will provide it to Walter and Judith when they are available for a call. Please advise when a call would be convenient.

12/13/2010 02:44 PM

From: Walter Mugdan

**Sent:** 12/13/2010 02:40 PM EST

To: Bob Sussman; Lisa Feldt; Catherine McCabe; Judith Enck; Pavlou.George@epa.gov; schaaf.eric@epa.gov;

simon.paul@epa.gov; Doug Garbarini

Subject: Hudson Update

Ann Klee	called me thi	is morning, an	nd I just returi	ned the call ar	nd spoke with h	ner. <mark>(b)(5) - de</mark>	eliberative process



Re: Hudson release 
Bob Sussman to: Brendan Gilfillan

12/13/2010 05:01 PM

Brendan -- do you want me on your call tomorrow?

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Brendan Gilfillan All - I've attached the latest Hudson release for r... 12/13/2010 03:13:29 PM

From: Brendan Gilfillan/DC/USEPA/US

To: Cynthia Giles-AA/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Judith

Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Catherine McCabe/DC/USEPA/US@EPA

Cc: Bob Sussman/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Stephanie

Owens/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Mary Mears/R2/USEPA/US@EPA, George

Hull/DC/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA

Date: 12/13/2010 03:13 PM

Subject: Hudson release

#### All -

I've attached the latest Hudson release for review - please disregard any previous versions of the release that you have seen.

Also, please note that the tone/direction is pretty set, and we do not want this document getting any longer or any further into the weeds. This is simply a messaging document - we will have a fact sheet that will go into much greater detail. Please take a look and let me know if there are any technical/legal concerns.

I would appreciate if folks could have edits in by 11am tomorrow if possible.

Thanks.

[attachment "Hudson release BG.doc" deleted by Bob Sussman/DC/USEPA/US]

Brendan Gilfillan Press Secretary U.S. Environmental Protection Agency Office of Public Affairs 202-564-2081 gilfillan.brendan@epa.gov





b Sussman to: Brendan Gilfillan 12/13/2010 05:04 PM

I'll miss it.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Brendan Gilfillan If you have time - don't think it's necessary thoug... 12/13/2010 05:02:29 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA

Date: 12/13/2010 05:02 PM Subject: Re: Hudson release

If you have time - don't think it's necessary though. Mostly logistical.

#### **Bob Sussman**

---- Original Message ----From: Bob Sussman

**Sent:** 12/13/2010 05:01 PM EST

To: Brendan Gilfillan
Subject: Re: Hudson release

Brendan -- do you want me on your call tomorrow?

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Brendan Gilfillan All - I've attached the latest Hudson release for r... 12/13/2010 03:13:29 PM



Re: Hudson release

Bob Sussman to: Brendan Gilfillan 12/13/2010 05:12 PM

Call me. I'm in the office.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Brendan Gilfillan Ok. Need to talk fluoride w you if you have a sec... 12/13/2010 05:05:28 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA

Date: 12/13/2010 05:05 PM Subject: Re: Hudson release

Ok. Need to talk fluoride w you if you have a second.

#### **Bob Sussman**

---- Original Message ----From: Bob Sussman

Sent: 12/13/2010 05:04 PM EST

To: Brendan Gilfillan

Subject: Re: Hudson release

I'll miss it.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Brendan Gilfillan If you have time - don't think it's necessary thoug... 12/13/2010 05:02:29 PM

**Bob Sussman** 

---- Original Message ----- From: Bob Sussman

Sent: 12/13/2010 05:01 PM EST

To: Brendan Gilfillan
Subject: Re: Hudson release

Brendan -- do you want me on your call tomorrow?

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Brendan Gilfillan All - I've attached the latest Hudson release for r... 12/13/2010 03:13:29 PM

12/13/2010 06:56 PM

Brackett. Can talk around 7:30 or tomorrow am.

From: "Denniston, Brackett (GE, Corporate)" [brackett.denniston@ge.com]

**Sent:** 12/13/2010 06:12 PM EST

To: Bob Sussman

Bob,

Is there a good time to talk? Just tried your office.

Brackett



Re:

Bob Sussman to: Denniston, Brackett (GE, Corporate)

12/13/2010 07:33 PM

Could perhaps do 9:15 am

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

"Denniston, Brackett (GE, Corporate)"

Tomorrow am better. Am ch...

12/13/2010 07:25:10 PM

From: "Denniston, Brackett (GE, Corporate)" <brackett.denniston@ge.com>

To: Bob Sussman/DC/USEPA/US@EPA

Date: 12/13/2010 07:25 PM

Subject: Re:

Tomorrow am better. Am chairing a big dinner right now.

**From**: Sussman.Bob@epamail.epa.gov [mailto:Sussman.Bob@epamail.epa.gov]

**Sent**: Monday, December 13, 2010 06:56 PM **To**: Denniston, Brackett (GE, Corporate)

Subject: Re:

Brackett. Can talk around 7:30 or tomorrow am.

From: "Denniston, Brackett (GE, Corporate)" [brackett.denniston@ge.com]

**Sent:** 12/13/2010 06:12 PM EST

To: Bob Sussman

Bob,

Is there a good time to talk? Just tried your office.

**Brackett** 



GE
Bob Sussman to: Walter Mugdan
Cc: Judith Enck, Lisa Feldt

12/13/2010 07:37 PM

I have Brackett trying to connect. We'll probably talk in the am. Could i get an e-mail download of your discussions with GE today? Thanks.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency



Fw: Re:

Bob Sussman to: Bob Sussman

12/13/2010 10:08 PM

----- Forwarded by Bob Sussman/DC/USEPA/US on 12/13/2010 10:08 PM -----

From: "Denniston, Brackett (GE, Corporate)" < brackett.denniston@ge.com>

Bob Sussman/DC/USEPA/US@EPA To:

12/13/2010 09:48 PM Date:

Subject: Re:

I will call then. Any chance before 8?

---- Original Message -----

From: Sussman.Bob@epamail.epa.gov [mailto:Sussman.Bob@epamail.epa.gov]

Sent: Monday, December 13, 2010 07:33 PM To: Denniston, Brackett (GE, Corporate)

Subject: Re:

Could perhaps do 9:15 am

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202) - 564 - 7397US Environmental Protection Agency

"Denniston, Brackett (GE, Corporate)" From:

<brackett.denniston@ge.com>

Bob Sussman/DC/USEPA/US@EPA To:

12/13/2010 07:25 PM Date:

Subject: Re:

Tomorrow am better. Am chairing a big dinner right now.

From: Sussman.Bob@epamail.epa.gov [mailto:Sussman.Bob@epamail.epa.gov]

Sent: Monday, December 13, 2010 06:56 PM To: Denniston, Brackett (GE, Corporate)

Subject: Re:

Brackett. Can talk around 7:30 or tomorrow am.

From: "Denniston, Brackett (GE,

Corporate) [brackett.denniston@ge.com] Sent: 12/13/2010 06:12 PM EST

To: Bob Sussman

Bob,

Is there a good time to talk? Just tried your office.

Brackett

12/14/2010 06:55 AM

Brackett. We could try 8;30. Is that better?

---- Original Message -----

From: "Denniston, Brackett (GE, Corporate)" [brackett.denniston@ge.com]

Sent: 12/13/2010 09:47 PM EST

To: Bob Sussman Subject: Re:

I will call then. Any chance before 8?

---- Original Message -----

From: Sussman.Bob@epamail.epa.gov [mailto:Sussman.Bob@epamail.epa.gov]

Sent: Monday, December 13, 2010 07:33 PM
To: Denniston, Brackett (GE, Corporate)

Subject: Re:

Could perhaps do 9:15 am

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

From: "Denniston, Brackett (GE, Corporate)"

<brackett.denniston@ge.com>

To: Bob Sussman/DC/USEPA/US@EPA

Date: 12/13/2010 07:25 PM

Subject: Re:

Tomorrow am better. Am chairing a big dinner right now.

From: Sussman.Bob@epamail.epa.gov [mailto:Sussman.Bob@epamail.epa.gov]

Sent: Monday, December 13, 2010 06:56 PM
To: Denniston, Brackett (GE, Corporate)

Subject: Re:

Brackett. Can talk around 7:30 or tomorrow am.

From: "Denniston, Brackett (GE,

Corporate) [brackett.denniston@ge.com] Sent: 12/13/2010 06:12 PM EST

To: Bob Sussman

Bob,

Is there a good time to talk? Just tried your office.

Brackett

12/14/2010 09:23 AM

Am here now. On the phone w your office.

---- Original Message -----

From: "Denniston, Brackett (GE, Corporate)" [brackett.denniston@ge.com]

Sent: 12/14/2010 09:22 AM EST

To: Bob Sussman

Bob, just tried you. No answer. Please email me, and I'll call. Brackett Sent from my iPad

12/14/2010 09:35 AM

Just lost you and need to go to mtg. Talk later if necessary.

---- Original Message -----

From: "Denniston, Brackett (GE, Corporate)" [brackett.denniston@ge.com]

Sent: 12/14/2010 09:22 AM EST

To: Bob Sussman

Bob, just tried you. No answer. Please email me, and I'll call. Brackett Sent from my iPad



Re: Re: 🗎

Bob Sussman to: Denniston, Brackett (GE, Corporate)

12/14/2010 11:42 AM

Could probably do 2-3.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

"Denniston, Brackett (GE, Corporate)" Let me know a good time lat... 12/14/2010 10:22:58 AM

From: "Denniston, Brackett (GE, Corporate)" <brackett.denniston@ge.com>

To: Bob Sussman/DC/USEPA/US@EPA

Date: 12/14/2010 10:22 AM

Subject: Re: Re:

Let me know a good time later today

Sent from my iPad

On Dec 14, 2010, at 9:35 AM, "Sussman.Bob@epamail.epa.gov" < Sussman.Bob@epamail.epa.gov> wrote:

Just lost you and need to go to mtg. Talk later if necessary.

---- Original Message -----

From: "Denniston, Brackett (GE, Corporate)" [brackett.denniston@ge.com]

Sent: 12/14/2010 09:22 AM EST

To: Bob Sussman

Bob, just tried you. No answer. Please email me, and I'll call. Brackett

Sent from my iPad



RE: Re:

Bob Sussman to: Denniston, Brackett (GE, Corporate)

12/14/2010 01:39 PM

#### 2:15 better.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

"Denniston, Brackett (GE, Corporate)" | I will call you about 2. ----Or... | 12/14/2010 12:14:27 PM

From: "Denniston, Brackett (GE, Corporate)" <brackett.denniston@ge.com>

To: Bob Sussman/DC/USEPA/US@EPA

Date: 12/14/2010 12:14 PM

Subject: RE: Re:

I will call you about 2.

----Original Message----

From: Sussman.Bob@epamail.epa.gov [mailto:Sussman.Bob@epamail.epa.gov]

Sent: Tuesday, December 14, 2010 11:42 AM To: Denniston, Brackett (GE, Corporate)

Subject: Re: Re:

Could probably do 2-3.

Robert M. Sussman

Senior Policy Counsel to the Administrator Office of the Administrator  $% \left( 1\right) =\left( 1\right) +\left( 1\right) +\left($ 

(202) - 564 - 7397

US Environmental Protection Agency

From: "Denniston, Brackett (GE, Corporate)"

<brackett.denniston@ge.com>

To: Bob Sussman/DC/USEPA/US@EPA

Date: 12/14/2010 10:22 AM

Subject: Re: Re:

Let me know a good time later today

Sent from my iPad

On Dec 14, 2010, at 9:35 AM, "Sussman.Bob@epamail.epa.gov" < Sussman.Bob@epamail.epa.gov> wrote:

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---- Original Message -----From: "Denniston, Brackett (GE,

Corporate) " [brackett.denniston@ge.com]

Sent: 12/14/2010 09:22 AM EST

To: Bob Sussman

Bob, just tried you. No answer. Please email me, and I'll call. Brackett

Sent from my iPad



Re: Rollout schedule

Bob Sussman to: Brendan Gilfillan

12/14/2010 03:03 PM

Arvin Ganesan, Bonnie Bellow, Dru Ealons, Judith Enck, Lisa Feldt, Cc: Mary Mears, Megan Cryan, Seth Oster, Stephanie Owens, Walter Mugdan

If we are only giving GE two hours to read the materials, then we need to convey the highlights to them the afternoon before so they can develop their own press statement. I think we should plan Thursday afternoon calls to Immelt by Admin and to brackett and Ann. We should also give GE a heads-up that we're going on Friday -- maybe we can do this late tomorrow.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Brendan Gilfillan All - Thanks for jumping on the phone with me th... 12/14/2010 02:56:47 PM

From: Brendan Gilfillan/DC/USEPA/US

To: Judith Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Walter

Mugdan/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Mary

Mears/R2/USEPA/US@EPA

Cc: Arvin Ganesan/DC/USEPA/US@EPA, Megan Cryan/DC/USEPA/US@EPA, Stephanie

Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Seth Oster

<oster.seth@epa.gov>, Bob Sussman/DC/USEPA/US@EPA

Date: 12/14/2010 02:56 PM Subject: Rollout schedule

All -

Thanks for jumping on the phone with me this morning. I've put together the below schedule of events - please take a look and make sure I've got everything right.

In addition, we have confirmed that Friday is the day for this. I understand it's not ideal given the history but I think the way to combat that is to stick to the aggressive timetable and outreach plans we've put in place.

Will circulate the (hopefully) final version of the press release when I have it.

Thanks.

- Brendan

#### Thursday, 12/16

- 4:30 p.m. R2 notifies Congressionals, stakeholder groups that there will be an announcement the following day
- 4:30 p.m. R2 issues advisory announcing a press conference call on the Hudson River cleanup on Friday at 11:30
- 4:30 p.m. R2 informs key reporters there will be a background briefing the next morning

#### Friday, 12/17

8:00 a.m. – R2 transmits technical documents to GE

8:30 a.m. – R2 re-issues advisory re: press conference call

9:00 a.m. - Judith calls key Congressionals, State DEP/AG and F&W/NOAA

9:30 a.m. – Judith holds conference call with four main stakeholder groups (will Walter join on this call as well?)

9:30 a.m. – R2 holds background briefing with four key reporters (Walter does this briefing? If he is joining Judith on the stakeholder call, can someone else do this call?)

10:45 a.m. – R2 holds conference call with CAG (Dave King)

10:45/50 a.m. - R2 flips switch and makes the technical documents live on the web

11:00 a.m. – R2 issues press release

11:30 a.m. – R2 holds press conference call



#### **Discussion with Brackett**

Bob Sussman to: Walter Mugdan Cc: Judith Enck, Lisa Feldt

12/14/2010 03:07 PM

i would like to follow-up with you regarding a detailed discussion with Brackett regarding the numerator for the "under GE"s control" calculation. Could we talk around 5:00?

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency



b Sussman to: Walter Mugdan 12/14/2010 05:15 PM

Walter. Can you talk now? Walter Mugdan

---- Original Message ----From: Walter Mugdan

**Sent:** 12/14/2010 04:09 PM EST

To: Bob Sussman

Cc: Judith Enck; Lisa Feldt; Pavlou.George@epa.gov; schaaf.eric@epa.gov;

simon.paul@epa.gov; Doug Garbarini

Subject: Re: Discussion with Brackett

Yes, I'm available. I can offer the following call-in number, if that would be helpful:

(b) (6)

Bob Sussman i would like to follow-up with you regarding a deta... 12/14/2010 03:07:16 PM

From: Bob Sussman/DC/USEPA/US

To: Walter Mugdan/R2/USEPA/US@EPA

Cc: Judith Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA

Date: 12/14/2010 03:07 PM Subject: Discussion with Brackett

i would like to follow-up with you regarding a detailed discussion with Brackett regarding the numerator for the "under GE"s control" calculation. Could we talk around 5:00?

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency



Re: Final Hudson release

Bob Sussman to: Brendan Gilfillan Bonnie Bellow, Cynthia Giles-AA, David Bloomgren, Dru Ealons,

Cc: George Hull, Judith Enck, Lisa Feldt, Mary Mears, Mathy Stanislaus, Seth Oster, Stephanie Owens, Walter Mugdan

Brendan -- I want to make sure that Walter focuses on how we've phrased the comparison of capping during phase 1 and phase 2. I may have contributed to this but in the current draft we're comparing apples (the total amount of capping in phase 1) with oranges (capping in phase 2 in areas under GE's control).

12/15/2010 11:32 AM

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 **US Énvironmental Protection Agency** 

Brendan Gilfillan All - Below is the final release - still lacking the d... 12/15/2010 10:56:44 AM

From: Brendan Gilfillan/DC/USEPA/US

Judith Enck/R2/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Cynthia To:

Giles-AA/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Stephanie

Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA

David Bloomgren/DC/USEPA/US@EPA, George Hull/DC/USEPA/US@EPA, Mary Cc:

Mears/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Seth Oster

<oster.seth@epa.gov>

12/15/2010 10:56 AM Date: Final Hudson release Subject:

All -

Below is the final release - still lacking the date GE has to respond and the percent of capping we're allowing. Think the fact sheet and the Q and A are still undergoing some revision at the regional level.

Thanks.

Brendan Gilfillan **Press Secretary** U.S. Environmental Protection Agency Office of Public Affairs 202-564-2081 gilfillan.brendan@epa.gov

## **EPA Announces Requirements for Next Phase of Hudson River PCB Cleanup**

**NEW YORK** – The U.S. Environmental Protection Agency (EPA) today presented GE with requirements for the next phase of the cleanup of the Hudson River. The second phase of the cleanup – which is designed to address potentially cancer-causing chemicals released for decades from two GE plants into the Hudson – would require GE to remove far more contaminated sediment from the river before sealing or "capping" any remaining PCBs. The decision follows months of consultation with GE, the State of New York and a wide range of stakeholder groups as the Agency analyzed technical information and decided how best to proceed with the second phase of the project. GE has until (date) to review EPA's decision and notify the Agency whether they will proceed with this phase of the cleanup, scheduled to begin in May 2011.

GE plants discharged approximately 1.3 million pounds of polychlorinated biphenyls (PCBs) during a 30 period ending in 1977, contaminating nearly 200 miles of the Hudson River. These potentially cancer-causing chemicals can build up in fish over time, posing a serious risk to those who eat them.

"We've said from the start that a clean Hudson is non-negotiable, and the path we have laid out today relies on the best science to ensure this dangerous pollution is addressed in a practical, effective way," said EPA Region 2 Administrator Judith Enck. "EPA has advanced a PCB cleanup plan that will require the removal of huge quantities of PCBs, making the Hudson River cleaner for future generations."

The cleanup of this site, one of the largest Superfund sites in the country was divided into two phases. Under EPA's direction, GE began the first phase in May 2009, completing it in November 2009. EPA conducted a comprehensive review of the science and considered the views of a group of independent scientific experts following the completion of the first phase.

The review found that during the first phase of the cleanup, nearly 37% of the area was capped due to the continued presence of contamination, despite multiple dredging passes that removed the great majority of the PCBs. While fish and other aquatic life are not exposed to the contamination in the capped areas, the Agency has determined that the initial phase was insufficient to protect human health and the environment and it is necessary in Phase 2 to set a stringent limit on what percentage of the total project area can be capped if dredging does not meet the cleanup goals. This limit will be set at \_\_% of the total project area, not counting areas where capping is unavoidable because of physical barriers in the river. This limit represents an improvement from Phase 1 and will require GE to employ considerably more rigorous dredging procedures.

Dredging during the second phase will go deeper into the sediment and, by relying on better information and lessons learned during the first phase, will remove more contaminated sediment in fewer passes. Phase two will require GE to remove at least an estimated 95 percent of PCBs from the areas designated for dredging.

If GE does not agree to conduct the Phase 2 dredging, EPA fully reserves all of its enforcement authorities, including its right to order GE to perform the dredging, or take legal action to require GE to perform Phase 2 or to reimburse EPA for its costs of the cleanup if the Agency performs the cleanup using taxpayer funds.

The documents issued by EPA today and other information about the Hudson River PCBs Superfund Site can be found at: <a href="http://www.epa.gov/hudson">http://www.epa.gov/hudson</a>. Residents with questions are encouraged to contact EPA Community Involvement Coordinator David Kluesner at (212) 637-3653, <a href="mailto:kluesner.dave@epa.gov">kluesner.dave@epa.gov</a>.



Re: Final Hudson release

Bob Sussman to: Walter Mugdan

Bonnie Bellow, Brendan Gilfillan, Cynthia Giles-AA, David
Cc: Bloomgren, Dru Ealons, Enck.Judith, George Hull, Lisa Feldt,
mears.mary, Seth Oster, Stanislaus.Mathy, Stephanie Owens

12/15/2010 12:58 PM

#### Fair enough. (b)(5) - deliberative process

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Walter Mugdan Bob, You are right. The paragraph as currently d... 12/15/2010 12:27:36 PM

From: Walter Mugdan/R2/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA

Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Cynthia

Giles-AA/DC/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA, Dru

Ealons/DC/USEPA/US@EPA, George Hull/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, mears.mary@epa.gov, Stanislaus.Mathy@epamail.epa.gov, Seth

Oster <oster.seth@epa.gov>, Stephanie Owens/DC/USEPA/US@EPA

Date: 12/15/2010 12:27 PM
Subject: Re: Final Hudson release

Bob,

You are right. (b)(5) - deliberative process

(b)(5) - deliberative process

## (b)(5) - deliberative process

Bob Sussman Brendan -- I want to make sure that Walter focus... 12/15/2010 11:32:47 AM Brendan Gilfillan All - Below is the final release - still lacking the d... 12/15/2010 10:56:44 AM



Re: Hudson Questions

Bob Sussman

to: Walter Mugdan

Cc: Brendan Gilfillan, Seth Oster, Heidi Ellis

12/15/2010 06:47 PM

Walter -- am copying our communications folks. They need to advise us on the timing and sequencing of these calls. I'd like to call Brackett friday am and I recommend that the Administrator call Immelt but we need OEA input.

Robert M. Sussman Senior Policy Counsel to the Administrator Office of the Administrator (202)-564-7397 US Environmental Protection Agency

Walter Mugdan Bob, Do you know whether the Administrator pla... 12/15/2010 06:42:10 PM

From: Walter Mugdan/R2/USEPA/US
To: Sussman.Bob@epamail.epa.gov

Date: 12/15/2010 06:42 PM Subject: Hudson Questions

#### Bob,

Do you know whether the Administrator plans to call Jeff Immelt tomorrow of Friday? Or do you plan to call Brackett at some point? If either of these are planned, it would be helpful to know approximately when those calls might be made, and with what information.

I am assuming it will be OK for me to let GE know on Thursday late afternoon that the decision will be announced Friday late morning and they can expect to receive the documents Friday early morning. However, please let me know if you think that is not advisable. I will also discuss this with Judith and the communications folks. I understand that if I make such a call, it will only be to convey timing, not substance.

- Walter

#### **GE Rollout**

Windsor.Richard, Oster.Seth, Enck.Judith,

Bob Sussman to: Mugdan.Walter, Bob Perciasepe, Brendan Gilfillan, Heidi

Ellis, Aaron Dickerson, Diane Thompson

12/16/2010 07:09 AM

With the GE announcement coming tomorrow, we need to nail down how we will notify the company and what other calls we will make.

I would propose that the Administrator call Immelt mid-afternoon to inform him of our decision. I would concurrently call Brackett Denision and Walter would call Ann Klee. In those discussions, we would inform GE of the timing of tomorrow's announcement and the final resolution of the capping issue.

Judith - I understand you may also be making some enviro calls this evening.

Re: 📔

Bob Sussman to: Bob Perciasepe 12/16/2010 07:13 AM

Yes.

**Bob Perciasepe** 

---- Original Message

From: Bob Perciasepe

**Sent:** 12/16/2010 07:11 AM EST

To: Bob Sussman

Boh

Where did Administrator land. 11 and 3? Bob Perciasepe Deputy Administrator (o)202 564 4711 (c) 202 368 8193 Bob Sussman

---- Original Message -----

From: Bob Sussman

**Sent:** 12/16/2010 07:09 AM EST

To: Richard Windsor; Seth Oster; Judith Enck; Walter Mugdan; Bob

Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson

Subject: GE Rollout

With the GE announcement coming tomorrow, we need to nail down how we will notify the company and what other calls we will make.

I would propose that the Administrator call Immelt mid-afternoon to inform him of our decision. I would concurrently call Brackett Denision and Walter would call Ann Klee. In those discussions, we would inform GE of the timing of tomorrow's announcement and the final resolution of the capping issue.

Judith - I understand you may also be making some enviro calls this evening.

Bob Sussman to: Seth Oster 12/16/2010 07:29 AM

Tou asked me to take care of it. You really did. And then I got worried because you won't be at the morning mtg. Given my travel plans, I felt we needed to nail it down.

Seth Oster

---- Original Message -----

From: Seth Oster

**Sent:** 12/16/2010 07:16 AM EST

To: Bob Sussman

**Subject:** Re: GE Rollout Weren't you leaving this to me?

**Bob Sussman** 

---- Original Message -----

From: Bob Sussman

**Sent:** 12/16/2010 07:09 AM EST

To: Richard Windsor; Seth Oster; Judith Enck; Walter Mugdan; Bob

Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson

Subject: GE Rollout

With the GE announcement coming tomorrow, we need to nail down how we will notify the company and what other calls we will make.

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Re: GE Rollout

Judith Enck, Richard Windsor, Seth Oster, Walter Bob Sussman to: Mugdan, Bob Perciasepe, Brendan Gilfillan, Heidi Ellis,

Aaron Dickerson, Diane Thompson

12/16/2010 08:43 AM

#### o)(5) - deliberative process

Judith Enck

---- Original Message -----From: Judith Enck

Sent: 12/16/2010 08:37 AM EST

To: Bob Sussman; Richard Windsor; Seth Oster; Walter Mugdan; Bob

Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson

Subject: Re: GE Rollout

I am doing a conference call with 4 ngo's at 8:30 this evening. I am confident they will not leak the info. My only concern about informing ge of the details of the decision this afternoon is that they may inform reporters today thereby making our 11:30 media phone call on friday outdated. Can we inform ge late today that the we will make an announcement on friday but not share the details until friday morning? Sent by EPA Wireless E-Mail Services

Bob Sussman

---- Original Message -----

From: Bob Sussman

Sent: 12/16/2010 07:09 AM EST

To: Richard Windsor; Seth Oster; Judith Enck; Walter Mugdan; Bob

Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson

Subject: GE Rollout

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Judith - I understand you may also be making some enviro calls this evening.

Re: Follow-up Question

Bob Sussman to: Walter Mugdan, Heidi Ellis, Aaron Dickerson, Brendan Gilfillan

12/16/2010 02:16 PM

I believe the call is scheduled for 3:30 but am copying Heidi to be sure. She or Aaron can tell you whether the call occured. Perhaps Brendan as well. I don't know exactly what she will but the goal is to tell GE what we decided. I am on my way to Miami but plan to call Brackett when I land around 6 and assume you will call Ann about the same time. I will tell him our decision on capping.

From: Walter Mugdan

**Sent:** 12/16/2010 01:58 PM EST

To: Bob Sussman

Subject: Follow-up Question

Bob,

Would it be possible for us to find out whether and when the Administrator has made her call to Jeff Immelt, and whether in that call she will have shared with Mr. Immelt the decision about the values of "X" and "Y".

Thanks,

- Walter

Will probably call him as a courtesy but obviously not mention numbers. I assume GE knows the timing of tomorrow's annoucement?

Seth Oster

---- Original Message ----- From: Seth Oster

**Sent:** 12/16/2010 05:28 PM EST

To: Walter Mugdan; Bob Sussman; "Judith Enck" <enck.judith@epa.gov>; George Pavlou; "Bonnie Bellow" <bellow.bonnie@epa.gov>; "Brendan Gilfillan"

<gilfillan.brendan@epa.gov>

Subject: GE Update

The Administrator's call with Jeff Immelt went well. Immelt had Mr. Brackett on the line with him, so that outreach may no longer be needed (Bob -- you can decide).

The Administrator did not give them any specific numbers. So any further discussions with GE today should not either.

We are on track for full release tomorrow, as planned.

Seth

12/16/2010 09:22 PM

Had a cordial call with Brackett and sensed that while GE will not commit itself in its press release, it would express a leaning toward opting in subject to reviewing the details.

Brackett asked whether, at some point tomorrow, we might inform them of what we plan to say in our release. I said I would refer the request to our communications people. Their POCs on communications are Gary Shepard and mark behan. Only contact them if you want to.

Bob Sussman

#### ---- Original Message -----

From: Bob Sussman

**Sent:** 12/16/2010 05:45 PM EST

To: Seth Oster; Walter Mugdan; "Judith Enck" <enck.judith@epa.gov>; George

Pavlou; "Bonnie Bellow" <bellow.bonnie@epa.gov>; "Brendan Gilfillan"

<gilfillan.brendan@epa.gov>
Subject: Re: GE Update

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Seth Oster

#### ---- Original Message -----

From: Seth Oster

**Sent:** 12/16/2010 05:28 PM EST

To: Walter Mugdan; Bob Sussman; "Judith Enck" <enck.judith@epa.gov>; George Pavlou; "Bonnie Bellow" <bellow.bonnie@epa.gov>; "Brendan Gilfillan"

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We are on track for full release tomorrow, as planned.

Seth

Re: Ngo call

Bob Sussman to: Seth Oster, Judith Enck, Richard Windsor, Walter Mugdan, Bonnie Bellow, Brendan Gilfillan

12/17/2010 06:08 AM

Yes. Thanks. Seth Oster

#### ---- Original Message -----

From: Seth Oster

**Sent:** 12/16/2010 10:52 PM EST

To: Judith Enck; Richard Windsor; Bob Sussman; Walter Mugdan; Bonnie

Bellow; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>

Subject: Re: Ngo call

Thank you, Judith.
Judith Enck

#### ---- Original Message -----

From: Judith Enck

**Sent:** 12/16/2010 10:32 PM EST

To: Richard Windsor; Bob Sussman; Seth Oster; Walter Mugdan; Bonnie Bellow

Subject: Ngo call

We just wrapped up a 1 hour 45 minute call with the 4 major ngo's. They were not happy with 11 percent plus the likely 10 percent unavoidable cap number. Ned sullivan of scenic hudson early on described the plan as terrible and a complete rejection of the goals of the rod. As we got into q and a the criticism was less strident. We talked at length about the capping happening after dredging and that getting 95 percent mass removal from designated dredging areas was quite good. I further walked them through the difference in acreage capped under various capping scenarios. They thanked us for our transparency. Manna green from clearwater who has always been the most engaged and pushing the hardest for the dredging project seemed the most agreeable. Nrdc was fairly quiet. I explained why this is best for the river and that our numbers were based on science and why I think this is a good place for all of us to be and our deep desire not to have further delays. I don't think they will embrace the proposal but their critique will be more informed had we not done the call. Walter did a great job with the technical questions. It was mostly polite, and to all a good night. judith Sent by EPA Wireless E-Mail Services

Re: Hudson River update

Bob Sussman to: Judith Enck, Brendan Gilfillan

Adora Andy, Arvin Ganesan, Bob Perciasepe, Cynthia Giles-AA, Daniel Kanninen,

Cc: Diane Thompson, Janet Woodka, Mathy Stanislaus, "Seth Oster", Richard Windsor, Stephanie Owens

All good. Well done.

Judith Enck

---- Original Message ----From: Judith Enck

Sent: 12/17/2010 12:32 PM EST

To: Brendan Gilfillan

Cc: Adora Andy; Arvin Ganesan; Bob Perciasepe; Bob Sussman; Cynthia Giles-AA; Daniel Kanninen; Diane Thompson; Janet Woodka; Mathy Stanislaus;

Seth Oster <oster.seth@epa.gov>; Richard Windsor; Stephanie Owens

**Subject:** Hudson River update conference call with reporters went well.

I spoke with Congressmember Hinchey who was fairly positive and will be putting out a news release.

NY DEC will be neutral, and may recycle their idea to do more dredging in river section 2.

Trustees were polite and want to hang in there with us to get more dredging in river section 2.

Environmental groups somewhat cranky but I am talking to them individually and walking them through the many benefits of the project and our desire to proceed without delay.

Bobby kennedy is out of the country.

all congressional outreach is done.

conference call with the CAG went well.

GE just put out a statement which flirts with the idea of opting in, saying they will decide by mid-January. we will continue to work the phones throughout the afternoon.

cheers, Judith Enck Regional Administrator U.S. Environmental Protection Agency 290 Broadway New York, N.Y. 10007-1866 (212) 637-5000

Brendan Gilfillan EPA to Require Deeper Dredging of PCB-Laced...

12/17/2010 12:23:07 PM

From: Brendan Gilfillan/DC/USEPA/US

To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane

Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Janet

Woodka/DC/USEPA/US@EPA

Date: 12/17/2010 12:23 PM Subject: Initial GE coverage

# **EPA to Require Deeper Dredging of PCB-Laced Hudson River**

NBC (NYC affiliate)/Brian Thompson

12/17/2010 12:35 PM

After months of study, the <u>U.S. Environmental Protection Agency</u> said it has a better idea for cleaning up the <u>Hudson River</u> from <u>New York City</u> 200 miles north to <u>Hudson Falls</u>.

That entire length of the river has been classified a Superfund Site following decades of pollution with PCBs from two transformer plants operated by <u>General Electric</u> (the parent company of NBC New York) before the chemical was labeled a possible carcinogen, and before there were regulations for its disposal.

GE began dredging off a small stretch of the river at its most polluted point last summer in a Phase One test of the procedure after working for years with the EPA on the best way to effect the clean up.

Now, the EPA says Phase 2 dredging must go deeper in order to reduce the amount of PCB-laced silt that gets stirred up and floats downstream.

"We've said from the start that a clean Hudson is non-negotiable, and the path we have laid out today relies on the best science to ensure this dangerous pollution is addressed in an effective way," said EPA Region 2 Administrator Judith Enck in a statement.

For years, the EPA and New York State have banned fishing in the upper Hudson while restricting how much fish people can eat from waters closer to New York City.

While fish testing after last summer's dredging showed no real change in PCB levels, the EPA believes its new program will "show speedy and dramatic improvements as a result of the dredging."

But when Enck was asked by NBCNewYork in a conference call if fish advisories will be lifted after completion of the "5 to 7 year" Phase 2, she said "Unfortunately not."

"It's gonna take many decades for the levels(of PCB's) to come down," said Enck.

There has been controversy with environmental groups over limited "capping" of some parts of the polluted sediment--a cheaper alternative, or dredging all of it. Beyond allowing capping in areas where dredging is impractical, such as near shorelines, the EPA will allow just 11% of the river's course in Phase 2 to be capped(in Phase 1, it allowed 22% capping).

GE issued a statement saying it is "reviewing" the EPA report while noting its "public commitment eight years ago to cooperate with EPA on this project."

Spokesman Mark Behan noted that it supports extensive dredging and added that it expects to remove up to 97% of the PCB's in the stretches of the river where it and the EPA have agreed on the procedure(about 15% of the 40 mile stretch).

The company said it "will carefully evaluate EPA's plan. If we determine that the plan is consistent with our technical discussions with EPA, that it is based on sound science, and that it is feasible to achieve, we expect to move forward with Phase 2."

GE said it would be back to the EPA by mid-January.

As for any threat to drinking water, the EPA said it would closely monitor the river at Green Island, but Superfund Director Walter Mudgan said there is "absolutely no risk" seen to those municiplaities that get their water from the Hudson, all the way down to Poughkeepsie.

### **EPA: New Hudson River PCB dredging rules for GE**

Associated Press

ALBANY, N.Y. — The federal government tells General Electric to dig deeper, take better samples and cap less of the Hudson River bottom when it starts the second phase of PCB cleanup in the waterway next year.

The Environmental Protection Agency says Friday the company must cap a maximum of 11 percent of the total project area, not counting rocky or other hard-to-reach areas. That compares with 22 percent allowed in the first phase completed last year.

Environmentalists worried that EPA would allow up to 24 percent to be capped, in which PCBs are left in the river and covered over.

The EPA also says GE must take better samples to determine the extent of pollution. The agency found poor sampling meant dredgers didn't go deep enough the first time around.

GE says it's reviewing the standards.

#### Fw: Hudson River

Bob Sussman to: Walter Mugdan, Judith Enck, Lisa Feldt

12/17/2010 03:44 PM

Fyi.

---- Original Message -----

From: "Klee, Ann (GE, Corporate)" [Ann.Klee@ge.com] Sent: 12/17/2010 03:01 PM EST

To: Bob Sussman

Subject: Hudson River

Bob - please see attached regarding Stuart Gruskin's letter to you.

ark

Ann R. Klee Vice President Corporate Environmental Programs

203.373.3198 (o) 203.383.9447 (m) 203.683.8105 (bb) ann.klee@ge.com



12/17/2010 06:38 PM

Judith. Thanks for your great work on the GE rollout. We ended up in a very good place. Judith Enck

---- Original Message -----

From: Judith Enck

**Sent:** 12/17/2010 04:28 PM EST

To: Richard Windsor; Bob Sussman; Bob Perciasepe

Subject: chesapeake bay tmdl

we just received the New York State WIP for the Chesapeake bay tmdl. all is well on the Hudson River pcb front, with GE suggesting that they will opt in. we will delay nyc school pcb inspections until January 8th. Now, finally, I can start my Christmas shopping.

thanks for all your help and support

cheers,
Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
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(212) 637-5000